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CHAPTER 11 ZONING

ARTICLE 11.01 GENERAL PROVISIONS

Division 11.01.01 Title, Purposes, and Application

Sec. 11.01.01.01 Title

The Cedar Park Zoning Ordinance shall be known as, and may be referred to as "the Cedar Park Zoning Ordinance", "this Ordinance", or "this Chapter."

Sec. 11.01.01.02 Purposes

- A. **Purpose.** The zoning regulations and division of land into different districts have been created in accordance with Texas Local Government Code (TLGC), Chapter 211, *Municipal Zoning Authority* and to achieve the following community goals:
1. To promote the health, safety, morals, and general welfare of the City.
 2. To provide beneficial and appropriate development;
 3. To protect the character and established pattern of desirable development in each area;
 4. Prevent or minimize land use incompatibility;
 5. Maintain or enhance property values by stabilizing expenditures and ensuring the predictability while respecting the property rights and interest of the citizens of Cedar Park;
 6. To lessen the congestion in the streets;
 7. To secure safety from fire and other dangers;
 8. To prevent the overcrowding of land;
 9. To avoid undue concentration of population;
 10. To provide an appropriate balance of land uses;
 11. To facilitate the adequate provision of transportation, water, sewer, schools, and parks.

Sec. 11.01.01.03 Application

- A. **Generally.** The regulations of this Chapter are adopted and shall be enforced pursuant to TLGC, Chapter 211, *Municipal Zoning Authority*. All of the following are subject to the applicable requirements of this Ordinance, and may require one or more development permits:
1. The use of any building, structure, land, or water, including:
 - a. New uses; and
 - b. Continuations, structural alterations or enlargements of, additions to, changes in, and relocation of existing uses (which may be subject to Article [11.08](#), *Nonconformities*).
 2. The construction, material alteration, repair, relocation, or demolition of buildings or structures.
 3. Alterations of historic sites or buildings.

Division 11.01.02 Jurisdiction and Compliance

Sec. 11.01.02.01 Jurisdiction

All provisions of this Ordinance apply within the corporate limits of the City as may be amended.

Sec. 11.01.02.02 Compliance Required

All land, buildings, structures, or appurtenance located within the City, which are occupied, used, erected, altered, or removed, shall be in conformance with the zoning regulations prescribed for the zoning district in which such land, building, structure, or appurtenance is located as provided in this Ordinance.

ARTICLE 11.02 ZONING DISTRICTS AND LAND USES

Division 11.02.01 Zoning Districts

Sec. 11.02.01.01 Purpose and Applicability

Article 11.02, *Zoning Districts and Land Uses*:

- A. Establishes zoning districts, which provide development standards for each district and are shown on the Official Zoning Map, Section 11.02.01.04;
- B. Defines and regulates land uses as either permanent or temporary; and
- C. Defines and regulates each land use as a Permitted Use, Limited Use, Special Use, or Prohibited use within one or more districts as defined in Section 11.02.03.02.

Sec. 11.02.01.02 Zoning Districts

- A. **District Classification.** The zoning districts are categorized into 22 different zoning district classifications, which are stated below and described in Table 11.02.01.02, *Zoning Districts*. The classifications include:
 - 1. *Agricultural District*:
 - a. Rural Agriculture (RA).
 - 2. *Residential Districts*.
 - a. Suburban Residential (SR);
 - b. Semi-Urban Residential (SU);
 - c. Urban Residential (UR); and
 - d. Multifamily Residential (MF).
 - 3. *Nonresidential Districts*.
 - a. Neighborhood Business (NB);
 - b. Local Business (LB);
 - c. General Business (GB);
 - d. Professional Office (PO);
 - e. Heavy Commercial (HC);
 - f. Light Industrial (LI);
 - g. Heavy Industrial (HI);
 - h. Hospital (H);
 - i. Public Services (PS);
 - j. Open Space Greenbelt (OG); and
 - k. Open Space Recreational (OR).
 - 4. *Mixed Use Districts*.
 - a. Mixed Use (MU);
 - b. Town Center (TC); and
 - c. Planning Area (PA).

5. *Overlay and Special Districts.*
 - a. Conditional Overlay (CO);
 - b. Entertainment Center (EC); and
 - c. Planned Development (PD).

B. **Equivalency Table.** Table 11.02.01.02, *Zoning District Transitions and Purposes*, identifies each of the zoning districts, along with the equivalent district of the previously adopted zoning ordinance, and a description of the intended purposes of each district.

Table 11.02.01.02 Zoning District Transitions and Purposes		
District		The purpose of the district is to provide for:
Name	Transition From	
Agricultural District		
Rural Agricultural (RA)	DR	Large tracts of undeveloped land generally that may be used for agricultural uses and/or individual home sites at a very low density. This district may be assigned to land that is annexed into the City prior to its designation of permanent zoning in accordance with the Future Land Use Plan. Land previously zoned Development Reserve "DR" is now zoned Residential Agricultural "RA".
	RA	
Residential Districts		
Suburban Residential (SR)	ES	Larger sized lots for single family detached dwellings. Land previously zoned Estate Lot Single Family "ES", Large Lot Single Family "SF", Large Suburban Lot Single Family "SF-1" and Manufactured Home "MH" are now zoned Suburban Residential "SR".
	SF	
	MH	
	SF-1	
Semi-Urban Residential (SU)	SF-2	Single-family detached dwellings intended to be located on small undeveloped and infill tracts. Land previously zoned Large Urban Single Family "SF-2" and Urban Lot Single Family "SF-3" is now zoned Semi-Urban Residential "SU".
	SF-3	
Urban Residential (UR)	TH	Medium density residential attached (townhome) dwellings on individual lots in a compact neighborhood environment or as a condominium development. Land previously zoned Duplex Residential "DP", Town Home Residential "TH", and Condominium Residential "CD" are now zoned Urban Residential "UR".
	DP	
	CD	
Multifamily Residential (MF)	MF	Multifamily tracts that are zoned MF as of the effective date of this Ordinance. These tracts are reflected on the zoning map as "MF." Future development of apartments shall be developed as part of the Mixed Use (MU), Planning Area (PA) or Planned Development (PD) Districts.
District		The purpose of this district is to provide for:
Name	Transition From	
Nonresidential Districts		
Neighborhood Business (NB)	TO	Smaller-scale, low-intensity neighborhood convenience retail and professional office and service uses, with building and site design standards that are compatible and cohesive with abutting and adjacent residential uses. The district is intended for use as a transition between the residential and nonresidential districts, or in locations that are suitable for such uses by way of its location, proximity, property size, access to collector or arterial roads, or other special circumstances. Land previously zoned Transitional Office "TO", and Transitional Commercial "TC" are now zoned Neighborhood Business (NB).
	TC	
Local Business (LB)	LR	Office and retail businesses that are intended to serve the overall community, with a larger market than the immediate neighborhoods in the area. In order to accommodate the traffic generated from these businesses without negatively impacting the residential neighborhoods, these uses should be located primarily at pulse points or activity nodes where collector and arterial roadways intersect or at arterial roadway intersections. These uses generally serve a larger market than businesses found in a NB District and generally serve a more local market than uses found in the GB District.

Table 11.02.01.02
Zoning District Transitions and Purposes

District		The purpose of the district is to provide for:
Name	Transition From	
General Business (GB)	GR	Moderate and large retail centers, big-box stores, and malls that serve the retail and service needs of the community and broader region. This district includes site and building design and architectural standards to ensure quality, sustainable development.
Professional Office (PO)	GO	Office, research, and technology parks with enhanced site and building standards to create a high quality, campus-like local and regional employment center. This district may also provide for some more intensive commercial and light industrial uses provided their operations are conducted indoors and on-site storage and truck traffic is limited. Land previously zoned General Office "GO" and Business "BD" are now zoned Professional Office "PO".
	BD	
Heavy Commercial (HC)	CS	Larger-scale, higher intensity business, commercial, and industrial-related uses that are to meet the consumer and employment needs of the community and broader region. Land previously zoned Commercial Service "CS" and Heavy Commercial "HC" are now zoned Heavy Commercial "HC".
	HC	
Light Industrial (LI)	LI	Smaller-scale, limited intensity industrial warehouse and assembly or light manufacturing uses where the operations of the use are conducted indoors and where outdoor storage and display is limited or adequately screened from adjacent streets, uses, and public views. Land previously zoned Light Industrial "LI" and General Industrial "GI" are now zoned Light Industrial "LI".
	GI	
Heavy Industrial (HI)	HI	The most intensive land uses allowed within the City, which may include heavy manufacturing and operational activities. This district is designed for locations that provide adequate access for trucks and heavy equipment and do not impose environmental impacts on adjacent uses.
Hospital (H)	H	All types of medical institutions, together with facilities for allied health services in an area or complex that is designed to accommodate tall and high intensity buildings and uses with adequate provision for high volumes of traffic and emergency access.
Public Services (PS)	PS	Public, semi-public, and institutional land uses that are unique in nature and scale and thus, most appropriate in their own district and subject to their own standards.
Open Space Greenbelt (OG)	OG	Greenbelts and passive parklands that incorporate open space planning into the assignment of land use designations, and develop and implement a system of "greenway" parks that link home, retail, employment centers, parks, and nature preserves.
Open Space Recreational (OR)	OR	A system of active parklands and recreational opportunities throughout the community that respond to the broad variety of recreational needs of different age groups and interests of people residing in all areas of the City.
Mixed Use Districts		
Mixed Use (MU)	MU	A mixture of high density residential, commercial, and public or institutional uses and civic spaces in a compact, urban form. The MU district may include multiple family units as upper floor dwellings in a vertically mixed use building or horizontally as a complex within the urban context. This district is principally intended for use on infill parcels and for the redevelopment and revitalization of corridors, although it may also be conditionally approved for use in other appropriate areas of the City.
	MF	
Town Center (TC)	DD	The Town Center Code and the Regulating Plan, as set out in Division 11.02.02, Town Center Code .
Planning Area (PA)	--	A zoning district that is consistent with the "Planning Areas" designated in the Comprehensive Plan, which includes the following development types: Entertainment District, Educational Campus, Walkable Mixed Use, and Business Park. Development within this district is to occur upon approval of a Master Development Plan for entirety of each planning area, except the Bell Boulevard District.
Special and Overlay Districts		
Conditional Overlay (CO)	CO	An overlay of supplemental standards to those of the underlying base districts to address the unique conditions or circumstances of a property.
Entertainment Center (EC)	ECO	An overlay of supplemental standards to those of the underlying base districts to address high-intensive and large-scale entertainment uses and venues and their related indoor or outdoor facilities, access and parking requirements, and levels of impact on surrounding districts and uses and the City at-large. The land uses in this district are set out in Division 11.02.03, Land Uses .

Table 11.02.01.02 Zoning District Transitions and Purposes		
District		The purpose of the district is to provide for:
Name	Transition From	
Planned Development (PD)	PD	The PD district is principally intended for development areas where it may be considered warranted due to the scale of development, the mixture of land uses, site constraints, unique design considerations, and needed site flexibility.

Sec. 11.02.01.03 Official Zoning Map

- A. **Generally.** Zoning districts are shown on the map entitled "Official Zoning Map" of the City of Cedar Park, Texas. The Zoning Map is attached and made part of this Code. An official copy of the Zoning Map is on file and available for inspection during regular business hours at the Department of Development Services, Cedar Park City Hall Complex, 450 Cypress Creek Road, Building One.
- B. **Force and Effect.** The Zoning Map and all notations, references, and other information shown on it are a part of this Code and shall have the same force and effect as the text of this Code, as certified and maintained by the Director of Development Services or his or her designee.

Sec. 11.02.01.04 Assignment of Zoning

- A. **Temporary Zoning.** Any territory annexed into to the City and brought within its corporate limits shall automatically be zoned Rural Agricultural (RA).
- B. **Permanent Zoning.**
1. *Initiation.* The Director of Development Services or his or her designee, the Planning and Zoning Commission, the City Council, or the property owner may initiate a request to permanently zone the property.
 2. *Assignment.* The assignment of zoning shall be pursuant to Sec. 11.01.02.02, *Assignment of Permanent Zoning*.
 3. *Procedures.* The procedures governing and applicable to the zoning process are stated in Sec. 11.07.03.02, *Public Meeting and Hearing Permits*.

Division 11.02.02 Town Center Code

Sec. 11.02.02.01 Purposes

The purposes of the Town Center (TC) District are to:

- Protect, preserve, improve, and provide for public health, safety, and general welfare of the present and future citizens of the City along with the owners and future residents;
- Establish a framework of zoning guidelines and criteria;
- Allow for mixed-use development, which incorporates compatible residential and commercial uses;
- Allow for greater design flexibility than what is permitted within the other City zoning districts;
- Fulfill goals stated in the City Comprehensive Plan;
- Create development superior to that which would occur using conventional zoning and subdivision regulations;

- Ensure the safe, orderly, and healthful development and expansion of the City, in accordance with and pursuant to this Division of Chapter 11, *Zoning*;
- Conserve and utilize natural resources, appropriately and consistently with the public interest and to enhance the preservation of the natural environment;
- Encourage mixed-use, compact development that facilitates the efficient use of services, and thereby encourage high quality development and innovative design;
- Provide convenient, safe, and efficient circulation of vehicular and pedestrian traffic;
- Allow for flexible planning and development of mixed uses; and
- Promote compatible and different levels of residential and commercial uses.

Sec. 11.02.02.02 Applicability

A. Generally.

1. The requirements of this Division, inclusive of the Regulating Plan, are intended and shall apply to the property, consisting of approximately 378.6 acres of land located within the City, as more particularly described in the Regulating Plan.
2. The Town Center District is a zoning district that is created in the same manner as other zoning districts.

B. Regulating Plan. The Regulating Plan integrates a mixture of open space, residential, commercial and public uses. Public spaces form a primary structure and character of the neighborhoods. Streetscapes accommodate both vehicles and the pedestrian by encouraging a walking environment and providing opportunities for social exchange. Civic buildings are given visual positions of importance in the community. The Regulating Plan is designed to encourage the integration of varying housing types that offer residential opportunities for a variety of incomes and age groups.

C. Community Vision. The Town Center Code sets out in this Division (which includes the Regulating Plan) the specifications and regulations that are intended to achieve the desired community vision.

D. Adoption. Through the previous adoption of the Town Center, the City Council provided for the implementation of the zoning and site development regulations for the district. Provided, however, unless otherwise expressly stated in this Division, the Regulating Plan, or the CPTC Development Agreement, the property shall comply with all applicable provisions of the Code of Ordinances.

E. Development Areas. The property is divided into four development areas:

1. *Mixed Residential Area*;
2. *Town Center Area 1*;
3. *Town Center Area 2*; and
4. *Neighborhood Commercial Area*.

F. Civic Uses. Civic uses will be incorporated within both the Mixed Residential Area and the Town Center Area 1.

G. Land Use and Site Development Regulations. In addition to district-wide regulations, each type of area has specific land use and site development regulations. All development areas shall incorporate open space uses, which may be either public or private in nature. The development areas and land uses are reflected on the Regulating Plan.

Sec. 11.02.02.03 Land Use

- A. **Prohibited Uses in the Downtown District.** The following uses are prohibited on any portion of property where the Town Center (TC) is applicable regardless of the designation of the development area or adopted development standards:
1. Motor vehicle sales, service, fueling, storage, repair, parts and accessory sales and automotive and machinery repair or painting, except that motor vehicle fueling is permitted in the Neighborhood Commercial Area;
 2. Wrecking and salvage yards;
 3. Sexually oriented businesses;
 4. Flea markets, but not excluding temporary or permanent outdoor markets approved by the City for such use.
 5. Public storage, commercial warehouses, office warehouses, and mini-warehouses;
 6. Pawn shops;
 7. Portable building sales or lease;
 8. Recreational vehicle parks;
 9. Outdoor shooting ranges;
 10. Automobile, boat, recreational vehicle, trailer, heavy equipment, and other motorized vehicle sales or lease;
 11. Kennels, except as provided herein for development within the Neighborhood Commercial Area;
 12. Industrial uses, except those permitted in the Professional Office (PO) District
 13. Funeral homes and mortuaries;
 14. Drive through commercial uses; except as provided for herein for development within the Neighborhood Commercial Area;
 15. Any uses involved with hazardous materials;
 16. Self-service laundry facilities, except as provided as an accessory use to a residential lodging use;
 17. Car washes, except that car washes are permitted within the Neighborhood Commercial Area;
 18. Motels;
 19. Portable building sales; and
 20. Private pitch and putt, golf courses, and driving ranges.
- B. **Town Center Area 1 and Neighborhood Commercial Prohibited Land Uses.** Along with the prohibited uses listed above, Single-Family Detached Residential is also prohibited in both the Town Center Area 1 and Neighborhood Commercial Areas.

Sec. 11.02.02.04 General Standards

- A. **Utilities.**
1. Utilities shall be located underground with the exception of existing electrical transmission lines and temporary overhead lines installed for temporary construction site offices.
 2. "Dry utilities" (e.g., gas, electric, telephone and fiber optic utilities) shall be located within an alley, if any and if practical.
 3. Overhead service to individual lots shall not be permitted.
 4. All water, wastewater and drainage utilities shall be located in the front public right-of-way or, if deemed necessary, a public utility easement and/or drainage easement.
 5. Common trenches are allowed if:

- a. Safe separation distances are maintained; and
- b. Approved by the Director of Public Works.

B. Lot Standards.

- 1. Each Lot in a subdivision, except a Lot that fronts on a Green and abuts a street, shall abut both a dedicated public street and an Alley. Lots that front on a Green shall abut a publicly dedicated street in the rear of the Lot.
- 2. Assigned address numbers shall be permanently affixed to all structures in such positions as to be plainly visible and legible from the street and/or private interior drive and from the alley for all structures located adjacent to said alley.

C. Street Standards.

- 1. *Intent.* The district street system shall:
 - a. Consist of a pattern of blocks with a hierarchy of streets, alleys, greens, and landscaped rights-of-way accommodating automobiles, public transit, bicycles, and pedestrians;
 - b. Form an interconnected system of streets;
 - c. Provide opportunities for the public to walk, bicycle, and drive within the district while minimizing conflict between modes of transportation.
 - d. Promote an orderly, visually pleasing and active street environment for residents, workers, and visitors; and
 - e. Accommodate the automobile, but not at the expense of the pedestrian.
- 2. *Pedestrian, Bicycle, and Transit Principles.*
 - a. The district shall provide multiple direct connections to and between local activity centers such as parks, schools, recreation centers and neighborhood services;
 - b. Pedestrian and bicycle paths should be integrated in the proposed network;
 - c. Possible future transit service may also be considered within the proposed network; and
 - d. The pedestrian network shall:
 - 1. Minimize walking distances;
 - 2. Provide safe and convenient crossings at street intersections; and
 - 3. Provide a streetscape environment that is conducive to pedestrian activity.
- 3. *Street Classifications and Description of Characteristics.* Streets are classified according to their functions and character. The four major street classifications for district roadways are:
 - a. Parkway/Boulevard. Parkways and Boulevards are streets that have separated travel lanes. Parkways and Boulevards include a landscaped area between the street sections with Parkways typically having a wider section than Boulevards.
 - b. Main Street/Collector Street. Main Streets and Collector Streets provide mobility between areas of the District. Main Streets and Collector Streets in residential areas should be designed to insure a calm, safe street that enhances the livability and preserves the character of neighborhoods. Main Streets have a more urban character while Collector Streets have a more residential character.
 - c. Local Street. A Local Street provides access within a neighborhood. Local Streets form the framework and compose the majority of streets within the District and shape the identity and character of a neighborhood.

- d. **Alley.** An Alley is a passageway that provides access to the rear or side of property. Alleys are intended for use at very low vehicular speeds and provide alternative locations for garbage collection and dry utilities.
4. *Alley Regulations.*
- a. **Design.** Alleys may be designed with an inverted crown.
 - b. **Intersecting Alleys or Utility Easements.** Where two alleys intersect or turn at a right angle, a sight triangle of not less than 10 feet measured from the point of intersection of the property or easement line, shall be provided along each property or easement line where practical.
 - c. **Dead-end alleys.** Dead-end alleys shall not extend more than 150 feet without a turnaround. Dead-end alleys longer than 300 feet shall be approved by the Administrator.
 - d. **Private alleys.**
 - 1. The Property Owners Association (POA) shall maintain all alleys unless otherwise approved by the City.
 - 2. All alleys shall be designated as private alleys; and
 - e. **Parking.** Parking in alleys is prohibited except as approved by the Administrator.
 - f. **Alleys shall be utilized for utility easements in addition to property access, wherever feasible.** In the case of a lot that abuts a green and does not have a fronting street, a water and wastewater easement shall be dedicated within the alley.
 - g. **Alleys shall be shown on all plats for this district.**
 - h. **On-street parking shall be striped as indicated in the street classification figures (Figures 1-17) set out at the end of this Section unless otherwise approved by the Administrator.**
5. *Private Streets.*
- a. **All streets shall be dedicated to public use unless they are designated as private.**
 - b. **Private streets shall:**
 - 1. Be labeled on subdivision plats;
 - 2. Be allowed where they are found to be more appropriate due to the type and density of development or other applicable factors;
 - 3. Be conveyed to and maintained by the Property Owners Association (POA); and
 - 4. Adhere to the regulations for private streets set out by the Code of Ordinances.
6. *Dead-End Streets.* Dead-end streets are prohibited within the district except as short stubs to permit future expansion.
7. *Cul-de-Sacs.* The use of cul-de-sacs is prohibited within the district.
8. *Median Design at Intersections.* End treatment of medians at intersections shall accommodate:
- a. A pedestrian crosswalk;
 - b. Curb radii as shown on Figures 1-17;
 - c. A cross aisle width roughly equivalent to the width of cross streets; and
 - d. A vehicle turning at a reasonably slow rate of speed, wherever feasible.
9. *Roundabouts.* Roundabouts are circular intersections that can be an effective intersection type with lower speeds, and easier decision-making than conventional intersections, requiring less maintenance. For a Roundabout to work properly it shall be designed for restricted speeds. The most significant feature that will restrict the speed is adequate deflection. Entry and exit radii and the size

of the central island control vehicle deflection. Minimum standards shall be those of an Urban Single-lane Roundabout. Particular note should be given to the following:

- a. For all intersections occurring at the corner of a local and collector street, roundabouts shall be designed for bus movement.
 - b. For all intersections occurring at the corner of a collector and parkway street, roundabouts shall be designed to allow WB-50 movement.
 - c. Driveways within the roundabout or within 50 feet of the inscribed circle shall not be allowed.
 - d. Roundabouts shall have a mountable curb on the inside radius.
 - e. Appropriate roundabout signage shall be provided.
 - f. Raised splitter islands shall be used to preclude left turn movements prior to the roundabout.
 - g. Any vegetation in the island shall be designed in compliance with the City of Austin Transportation Criteria Manual.
 - h. No parking shall be allowed within:
 1. a roundabout;
 2. 20 feet on all approach roadways; and
 3. 20 feet past the end of the splitter island.
 - i. The design of roundabouts shall require approval of the Administrator .
10. *Traffic Calming Measures.* The use of traffic calming measures shall require the approval of the Administrator and may include, but are not limited to, gateways, roundabouts, neckdowns, chicanes, throttles and protected on-street parking.
11. *Sidewalks.*
- a. Each Area of the District shall provide pedestrian connectivity throughout the District by providing an interconnected system of sidewalks on both sides of all streets with the exception of the:
 1. SS-36 Side Street;
 2. PL-28 Public Lane; and
 3. PL-30 Public Lane.
 - b. The PL-30 Public Lane shall include a sidewalk with a width of ten (10) feet on one side.
 - c. Off-Street pathways shall be required where necessary to complete connectivity gaps.
 - d. All streets shall provide sidewalks in accordance with Figures 1-17.
 - e. Sidewalk assignments may be varied in order to save trees.
 - f. Sidewalks may be located outside the street right-of-way provided they are located in a public use easement shown on the plat.
 - g. Alternative surface materials, such as decomposed granite gravel, may be substituted for concrete sidewalks with the approval of the Administrator on the condition that this sidewalk serves as a portion of a trail system for District use and is deemed more desirable.
12. *Curb Ramps.*
- a. The preferred alignment for curb ramps is perpendicular to both traffic and the curb.
 - b. Curb ramps shall be located so that they
 1. are not obstructed by parked vehicles; and
 2. shall not intrude into vehicular traffic lanes.

13. *On-street Parking.* Vehicles that are parked parallel on streets are required to be parked adjacent to the curb no further than one foot from the face of curb.

Table 11.02.02.04: Street Standards Summary										
		Row	Pavement Width	# of Lanes	Travel Land Width (FC-FC)	Traffic Direction	Parking	Design Speed	Curb Radius	Street Trees
Parkways/Boulevards										
Pkw-200 (Figure 1)	Parkway	Varies	2 @ 20'	2	12'	2 Way	Parallel-one side per direction	30 mph	15'	Typical 40' OC
BVD-92 (Figure 2)	Boulevard	92'	2 @ 20'	2	12'	2 Way	Parallel-one side per direction	30 mph	15'	Typical 40' OC
MS-172 (Figure 6)	Main Street Boulevard	172'	2 @ 22	1	22'	2 Way	Angled	25 mph	20'	Typical 60' OC
Main Streets/Collectors										
MS-66 (Figure 8)	2-Lane Main Street	66'	60'	2	12'	2 Way	Angled	25 mph	20'	Typical 40'–60' OC
US-54 (Figure 9)	Urban Street w/angled parking	54'	48'	2	11'	2 Way	Angled-Side 1 Parallel-Side 2	25 mph	15'	Typical 40' OC
US-48 (Figure 10)	Urban Street w/parallel parking	48'	40'	2	12'	2 Way	Parallel Both Sides	25 mph	15'	Typical 40' OC
RC-58 (Figure 11)	Residential Collector	58'	36'	2	10'	2 Way	Parallel Both Sides	25 mph	15'	Typical 40' OC
Local Streets										
RS-50 (Figure 12)	Residential Street	50'	28'	1-2	10'	2 Way	Parallel Both Sides	25 mph	15'	Typical 40' OC
RS-46 (Figure 13)	Residential Lane	46'	28'	1-2	10'	2 Way	Parallel	25 mph	15'	Typical 40' OC
SS-36 (Figure 14)	Side Street	36'	26'	1-2	10'	2 Way	Parallel	25 mph	15'	Typical 40' OC
PL-28 (Figure 15)	1-Way Public Lane	24'	16'	2	10'	1 Way	None	15 mph	15'	Not required
PL-30 (Figure 16)	2-Way Public Way	30'	22'	2	14'	2 Way	Parallel One side	15 mph	15'	Typical 40' OC

Alleys										
AL-24 (Figure 17)	1-Way Alley	20'	14'	2	8'	1 Way	None	15 mph	15' MRA	Not required

D. **Open Space Standards.**

1. *Intent.* Open Space

- a. is a significant element of the Town Center District.
- b. shall serve as areas of community and neighborhood gathering
- c. should be distributed throughout the Town Center and be arranged in a hierarchy of small, intimate open spaces to large, multi-functional areas.
- d. should address the recreational needs of the residents.
- e. shall be designed to:
 1. provide places and opportunities for interaction within the community;
 2. serve as landmarks and organizing elements; and
 3. provide visual, aesthetic, and environmental amenities.

2. *Permitted Uses.* The following uses shall be permitted within Open Space areas:

- a. Natural areas;
- b. Conservation areas;
- c. Outdoor recreational / athletic facilities;
- d. Outdoor swimming pools;
- e. Parks and related amenities;
- f. Streams, lakes, impounded waterways, or their drainageways;
- g. Clubhouses, recreation centers and community centers;
- h. Pedestrian and bicycle trails and pathways;
- i. Plazas, greens, playgrounds; and
- j. Transit stops and off-street parking areas.

3. *Site Development Regulations.* The following site development regulations shall apply to Open Spaces uses within the District:

- a. **Maximum Lot Size.**
 1. The minimum lot size within a Public Open Space area shall be 3,500 square feet, except for landscaped lots in the right-of-way, which may be smaller.
 2. There is no minimum lot size within a Private Open Space area.
- b. **Maximum Height.** Exclusive of appurtenances, no buildings within an open space shall exceed the following maximum building heights:
 1. Town Center 1 Area: 60 feet
 2. Mixed Residential Area: 35 feet
 3. Neighborhood Commercial Area: 35 feet
- c. **Minimum Lot Width.**
 1. The minimum lot width within a Public Open Space area shall be 40 feet.
 2. There is no minimum lot width within a Private Open Space area.

- d. **Minimum Setbacks.**
 - 1. Front yard: 15 feet
 - 2. Side yard: 10 feet
 - 3. Rear yard: 10 feet
 - e. **Open Space Distribution.** At least 80 percent of residential lots shall be within 600 feet of an Open Space lot, whether privately or publicly owned.
 - f. **Irrigation.** All irrigation systems within Public Open Space shall be approved by the Director of Parks and Recreation.
4. **Conveyance.** Open Space and structures thereon shall be conveyed, owned, and maintained pursuant to one of the three following options:
- a. Conveyed to a public body, if said public body agrees to accept conveyance and to maintain the Public Open Space and buildings, structures, or improvements which have been placed on it. Not in limitation of any other rights the City may have to impose additional requirements, land within the floodplain that is to be included in any conveyance to the City shall have a grading plan that includes:
 - 1. No concrete lining of water channels;
 - 2. No fencing;
 - 3. Slopes that are easily accessible by pedestrians and compatible with the public improvements; and
 - 4. A channel that utilizes an irregular, natural configuration both in horizontal alignment and cross-section design, which shall be approved by both the Administrator and the Commission.
 - b. Conveyed to and accepted by the City but only on the condition that all responsibility for maintenance is retained by or assumed by a Property Owners Association or other party reasonable acceptable to the City.
 - c. Conveyed to a Property Owners Association or some other party responsible at time of final plat for maintaining common buildings, areas and land within the community. Private Open Space shall be restricted to the uses specified on the final plat and which provide for the maintenance of Private Open Space in a manner which assures its long-term maintenance and for its intended purpose.
5. **Parking Regulations.** Parking for Open Space uses within the District is provided from adjacent On-Street Parking unless, at the developer's option, Off-Street Parking is provided within an Open Space Lot. On- Street Parking maybe credited toward the required parking spaces of the intended use.
6. **Parkland Dedication.**
- a. **Goal.** The goal of Parkland Dedication is to integrate useable Open Space into the fabric of the community.
 - b. **Application.** Land within the District designated as parkland shall comply with the standards set forth in this section and and shall be shown on the Regulating Plan as Public Open Space. The land area of Parkland dedication shall be indicated on the Regulating Plan. The Parkland shown on the Regulating Plan adopted concurrently herewith satisfies the dedication requirements with respect to the District (excluding, however, Town Center Area 2). No cash payment or improvements in lieu of parkland dedication shall be permitted. An appropriate park-phasing plan shall be approved with the preliminary plan. Town Center Area 2 must comply with Code with respect to parkland dedication and development.

- c. Land Treatment. No easements or other dedications shall be issued, reserved, granted or made except as agreed by the Director of Parks and Recreation. The Director of Parks and Recreation may allow the developer to dump fill material and take other respective actions specified when, at the discretion of the Director of Parks and Recreation, such action would be beneficial to the Parkland. In all such cases, the developer shall obtain a letter of permission to the developer prior to the action in question.
- d. Parkland Dedication Within the Mixed Residential Area. Parkland located in the Mixed Residential Area shall be a system of connected mini-parks distributed throughout the Area in order to promote use by residents and access by pedestrians and bicyclists within the District.
 1. The collection of Parks shall be arranged to preserve existing trees wherever feasible, and be integrated into the neighborhood street system. Open Space within Parkways, Boulevards and Access Streets, which provide linear greenways and pedestrian connectivity throughout the District, may also be considered land for Parkland dedication.
 2. The amount of land required to be dedicated for Parkland shall be indicated on the Regulating Plan and indicated as Public Open Space. The area of the Parkland shall be measured and calculated to the property line of that lot. Parkland shall have a minimum of 50 feet of street frontage. Greens shall be considered land for Parkland dedication.
 3. The minimum lot size dedicated for Parkland is 8,000 square feet. The location and size of utilities stubbed out to Parkland shall be determined at time of final plat by the Director of Public Works. The developer shall have the option of entering into license agreements with the City for Parkland improvements.
 4. Parkland to be dedicated as part of the subdivision plat shall adhere to the approximate size and location of the designations indicated on the Regulating Plan. By adoption of the Town Center, the City approves the Parkland shown on the Regulating Plan and agrees that such Parkland satisfies the Parkland dedications requirements within the Mixed Residential Area. No cash payment or improvements in lieu of parkland dedication shall be permitted. An appropriate park-phasing plan shall be approved with the preliminary plan.
 5. Mail kiosks serving residents living within the Mixed Residential Area may be located within Parkland.
- e. Parkland Dedication Within the Town Center Area. All Parkland Dedication requirements for the Town Center Area 1 and Neighborhood Center Area are satisfied by the Parkland shown on the Regulating Plan.

E. Landscape Standards.

1. *Intent.* For the development in this District, each site plan shall be prepared so as to be consistent with and maximize the goals of the Town Center, including but not limited to retaining existing trees.
2. *Application.* Landscape requirements as set forth in the Code of Ordinances shall apply except as provided in this section.
3. *General Requirements.*
 - a. No parking space shall be located farther than 100 feet from a permeable landscaped island, peninsula, or median and a tree except for parking lots that contain more than three parking modules.
 - b. Parking spaces shall be located evenly through the parking areas, however the locations of landscaped islands, peninsulas and medians may be adjusted to accommodate existing trees or other natural features.
 - c. Existing Tree Locations. If protected trees are encountered in tree surveys, the Administrator may approve layout modifications of streets and walks.

- d. Not Required for this District. Street yard and transitional buffering (buffer yards).
- 4. *Loading Zone Areas.* Off-street loading zones shall be designed:
 - a. To be buffered from street view and from adjacent properties as much as possible; or
 - b. So as not to detract from the character of the streetscape by using design elements that are consistent or compatible with the surrounding development.
- 5. *Street Trees.*
 - a. Location. Street trees shall be installed in planting strips along streets.
 - b. Planting Plan. The Administrator shall approve a street tree-planting plan for planting strips and traffic islands for each phase of development of the district.
 - c. Size. Street trees shall be a minimum of four inch caliper ball and burlap or its equivalent 24 inch box or 65 gallon container.
- 6. *Planting Criteria.*
 - a. Street trees shall be planted:
 - 1. To avoid interference with streetlights, signage, and other fixtures;
 - 2. At least 4 feet from the edge of driveways;
 - 3. At least 4 feet from underground utilities;
 - 4. At least twenty feet from overhead lines;
 - 5. At least 5 feet from hydrants.
 - 6. A minimum of 3 feet from the back of the curb.
 - b. Street trees shall be kept out of:
 - 1. Intersection triangles at a minimum of 25 feet by 25 feet from the face of the curb; and
 - 2. Alley/street intersection triangles at a minimum of 15 feet by 15 feet, as measured from the edge of the pavement.
 - c. Street trees within the Mixed Residential Area shall be:
 - 1. Located in the planting strip between a public sidewalk and a curb; and
 - 2. Planted on an average of every 40 feet, taking into consideration planting criteria and coordination with existing trees.
 - d. Street trees within the Town Center Area 1 shall be:
 - 1. Located between the public sidewalk and the edge of the curb of a driving lane; and
 - 2. Planted on an average of 40 to 60 feet, taking into consideration planting criteria and coordination with existing trees.
- 7. *Traffic Islands.* Planting plans showing planted street medians (traffic islands) shall be approved by the Administrator
- 8. *Mix of Species.* The specified mix of trees shall require approval of the City Urban Forester.
- 9. *Fencing and Gates.*
 - a. The maximum height of an Open Style Fence in a street yard shall be 36 inches. Open Style Fences shall not exceed five feet in height. Masonry columns are permitted as part of all Open Style Fences.
 - b. Fences that abut Parks and Greens shall be Open Style Fences except as provided in subsection (10) below.

- c. Where an Alley is provided adjacent to Lots in the Mixed Residential Area and such Lots have fences adjacent to the Alley, gates shall be provided from the rear or side yard to the Alley of such Lots.

10. *Fencing and Landscaping Along Railroad Track and 183A Toll Road.*

- a. Fencing:
 - 1. Shall be constructed along the property line of the District that abuts the:
 - a. Railroad track located on the Western portion of the property;
 - b. 183A Toll Road right-of-way located on the Eastern side of the property;
 - 2. Shall be constructed of double-sided decorative masonry, double-sided concrete masonry unit (CMU) or woodcrete;
 - 3. Shall be at a height not exceeding six feet;
 - 4. Shall be at a minimum of five feet;
 - 5. May be either open style or solid; and
 - 6. May be offset from the property line provided that it is situated in a maintained landscaped lot or easement.
- b. Additional landscaping to aid in screening the view into residential units from railcars traveling along the railroad track shall be planted in rear yards of lots abutting the railroad track including a minimum of:
 - 1. One shade tree; and
 - 2. Two ornamental trees per lot.
- c. Fencing and landscaping along 183A Toll Road shall comply with the following:
 - 1. No fencing along 183A Toll Road shall be required until the 183A Toll Road street improvements are constructed.
 - 2. In the event that the Central Texas Regional Mobility Authority elects to construct fencing adjacent to the lots located along 183A Toll Road, the developer shall not be required to construct additional fencing.
 - 3. Fencing shall be constructed along the property line of the District that abuts the railroad track located on the western portion of the Property and shall be constructed of double-sided decorative masonry, double-sided and tinted split-faced CMU or woodcrete at a height not exceeding six feet, but shall be a minimum of five feet. This fencing may be either Open Style Fencing or solid fencing. Fencing may be offset from the Property line provided that it is situated in a maintained, landscaped Lot or easement.
 - 4. Fencing along the property line abutting 183A Toll Road may be omitted in locations where buildings front the 183A Toll Road right-of-way or areas within sight triangles; and
 - 5. Landscaping along the frontage of 183A Toll Road shall comply with the standards of the Corridor Overlay ordinance, except that the landscape setback area may be reduced from 25 to 20 feet.

F. **Lighting Standards.** A developer may, with City approval, incorporate alternative street lighting standards only if the standards are designed to aesthetically enhance the District.

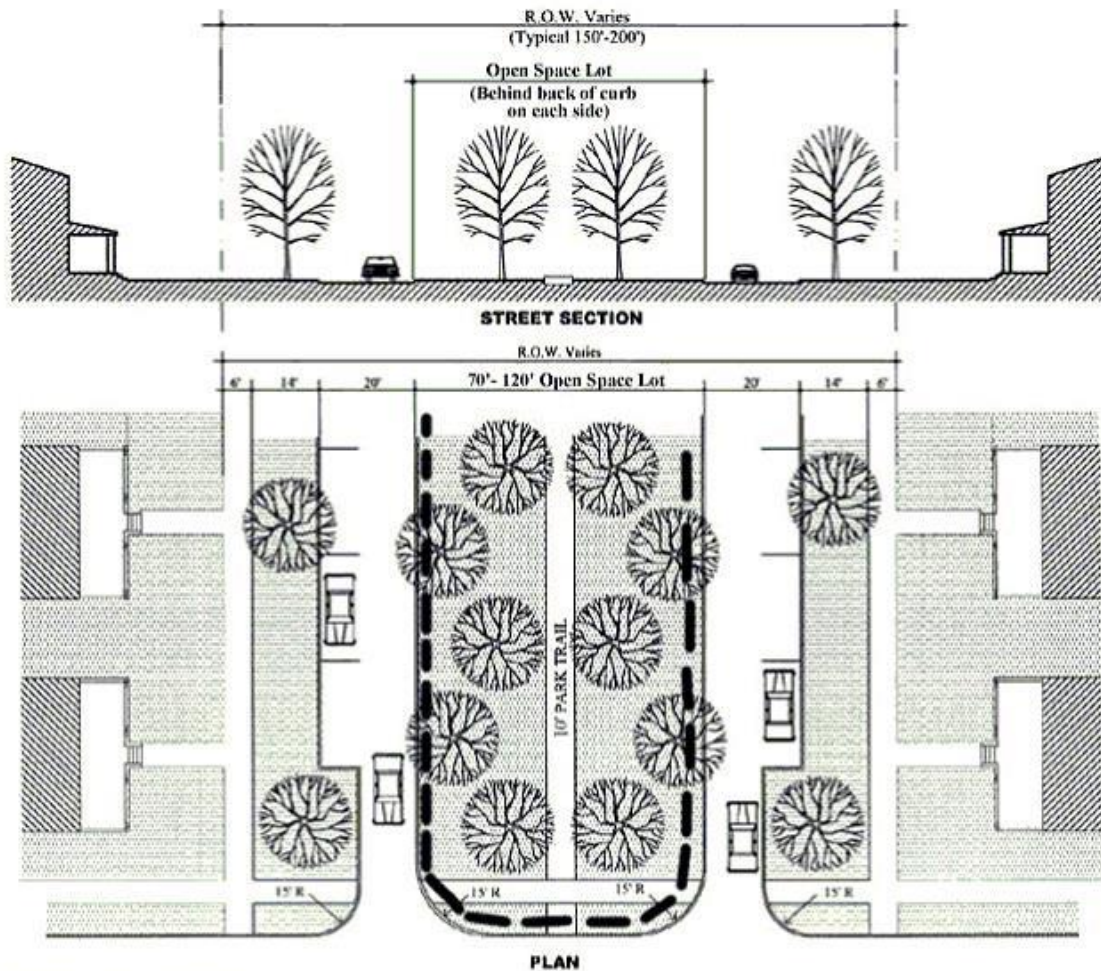
G. **Sign Standards.** See Chapter 13, *Sign Regulations*.

H. **Civic Uses.** For all civic uses the following site development regulations are required:

- 1. The building must be oriented to the general public in order to create focal points and landmarks;

2. All sides of a building that are visible from a public street, public gathering area or green shall be compatible with or equivalent to the architectural features, materials, and the articulation of the front facade of the building; and
3. The front facade shall not be oriented to face directly toward a parking lot.

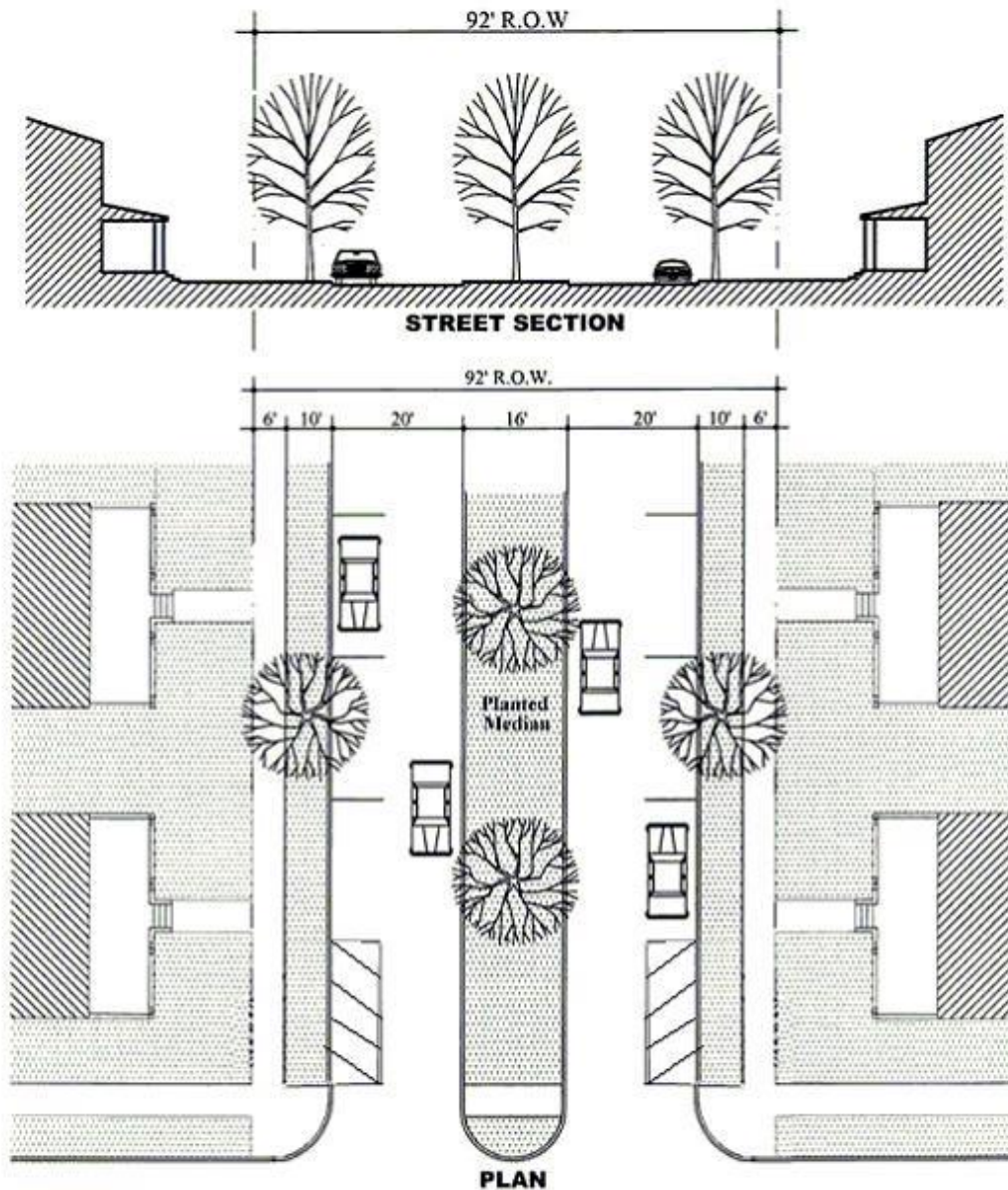
Figure 1
PKW-200: Parkway



SPECIFICATIONS

R.O.W.:	Varies
DESIGN SPEED:	30 m.p.h.
TRAVELWAY PAVEMENT WIDTH:	2@ 20'
PARKING:	Parallel parking- one side per direction @ 8' width
CURB RADIUS:	15' radius at street corners
STREET TREES:	Typical 40' O.C.
MINIMUM CENTERLINE RADIUS:	300'
MEDIAN:	Varies (with 10' park trail illustrated)
SIDEWALKS:	6' both sides

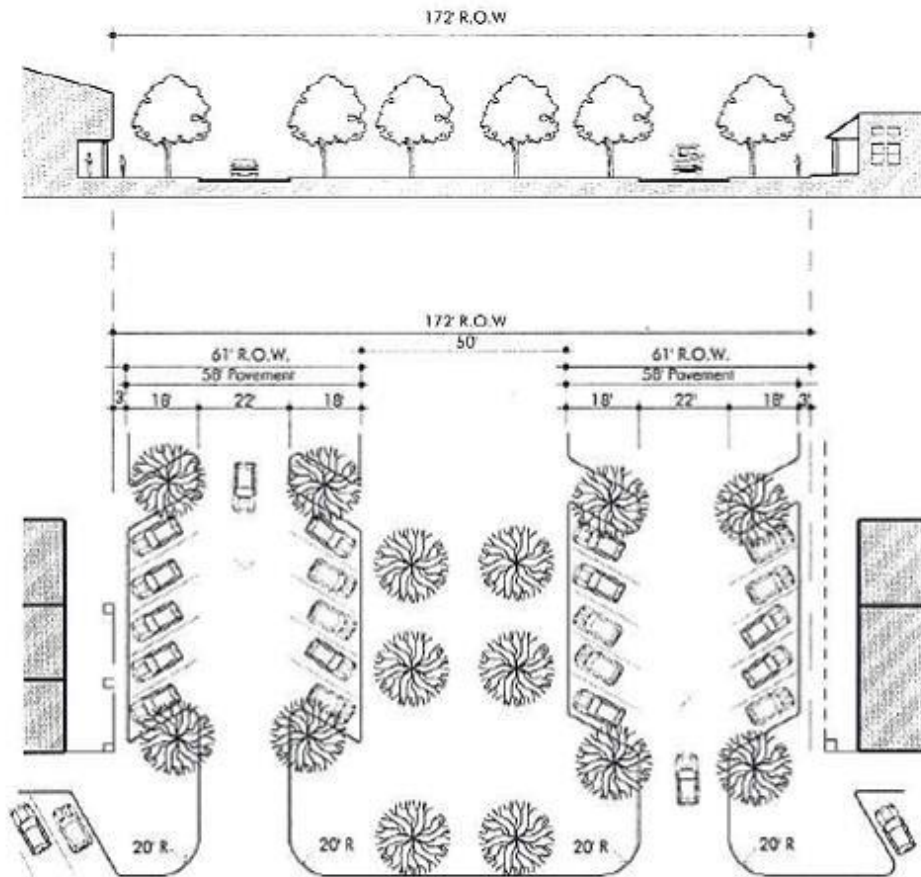
Figure 2
BVD-92: Boulevard



SPECIFICATIONS

R.O.W.:	92'
DESIGN SPEED:	30 m.p.h.
TRAVELWAY PAVEMENT WIDTH:	2@ 20' lanes
PARKING:	Parallel parking- one side per direction @ 8' width
CURB RADIUS:	15' radius at street corners
STREET TREES:	Typical 40' O.C.
MINIMUM CENTERLINE RADIUS:	300'
MEDIAN:	16' typical
SIDEWALKS:	6' both sides

Figure 3
MS-172: Two-Way Main Street Boulevard

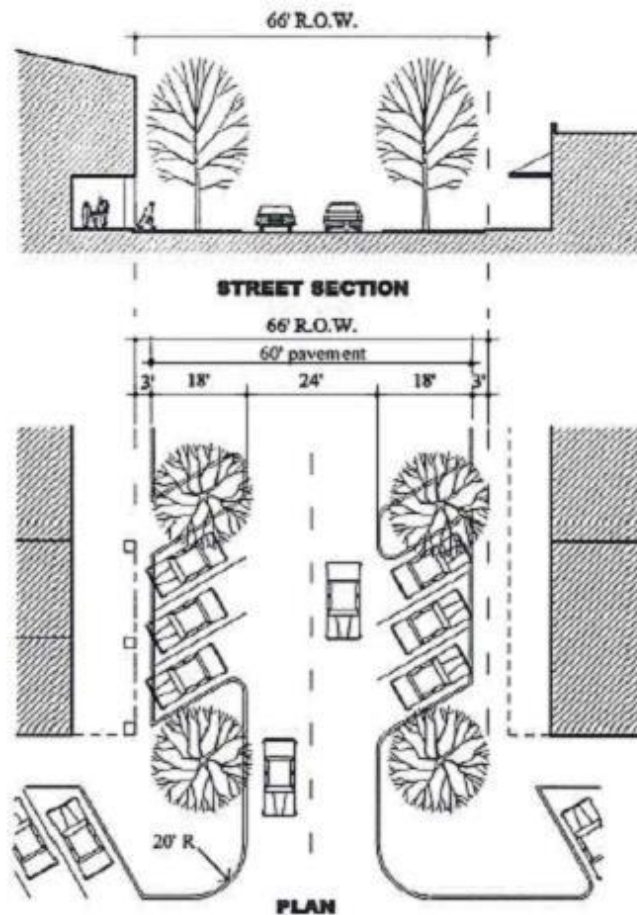


SPECIFICATIONS

R.O.W.:	172'
DESIGN SPEED:	25 m.p.h.
TRAVELWAY PAVEMENT WIDTH:	22'
PARKING:	45-60 degree angled parking on each side
CURB RADIUS:	20' radius at street corners
STREET TREES:	Typical 40-60' O.C. located in planting islands
STALL WIDTH:	9'
MINIMUM CENTERLINE RADII:	180'
SIDEWALKS:	12' width typical, 8' minimum*, on both sides

* With approval of the Planning and Zoning Commission

Figure 4
MS-66: 2-Lane Main Street

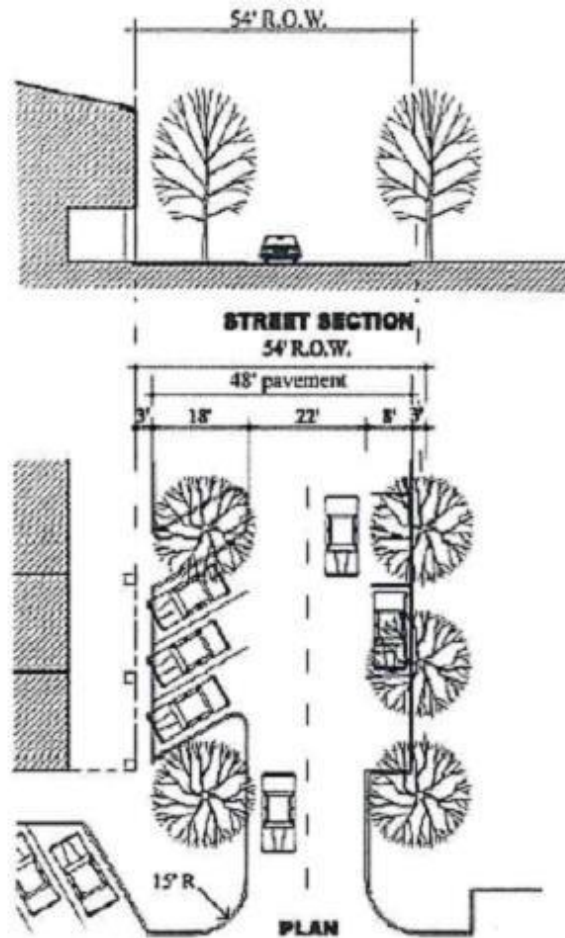


SPECIFICATIONS

R.O.W.:	66'
DESIGN SPEED:	25 m.p.h.
TRAVELWAY PAVEMENT WIDTH:	24'
PARKING:	45-60 degree angled parking on each side
CURB RADIUS:	20' radius at street corners
STREET TREES:	Typical 40-60' O.C. located in planting islands
STALL WIDTH:	9'
MINIMUM CENTERLINE RADIUS:	190'
SIDEWALKS:	12' width typical, 8' minimum*, on both sides

* With approval of the Planning and Zoning Commission

Figure 5
US-54: Urban Street with Angled Parking

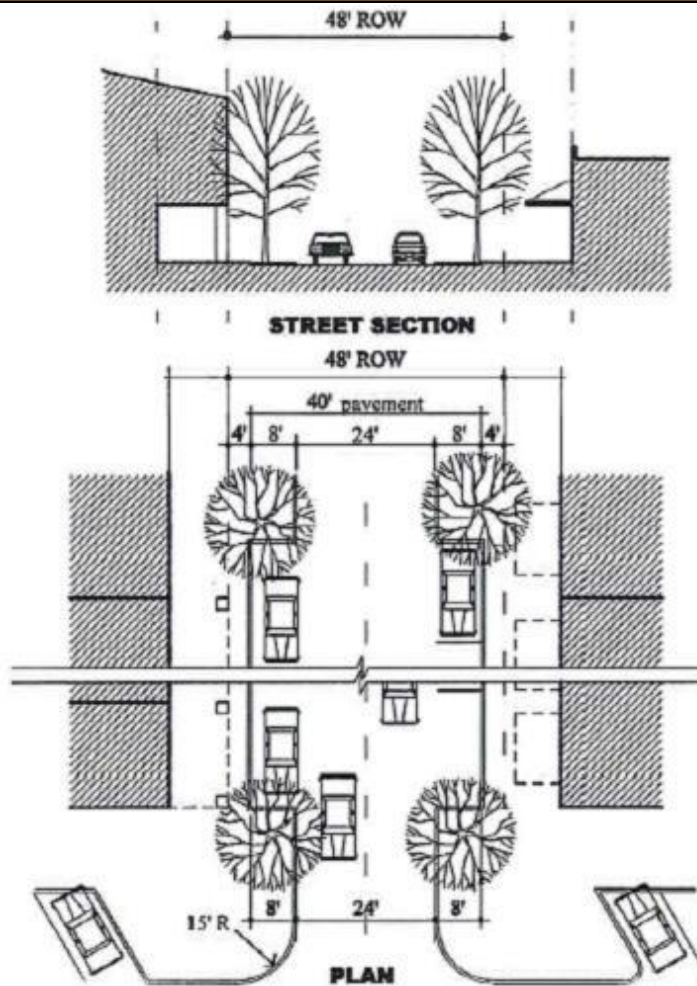


SPECIFICATIONS

R.O.W.:	54'
DESIGN SPEED:	25 m.p.h.
TRAVELWAY PAVEMENT WIDTH:	22'
PARKING:	45-60 deg. angled parking on 1 side/ parallel parking on side 2 @ 8' width
CURB RADIUS:	15' radius at street corners
STREET TREES:	Typical 40' O.C.
STALL WIDTH:	9'
MINIMUM CENTERLINE RADIUS:	180'
SIDEWALKS:	12' width typical, 8' minimum*, on both sides

* With approval of the Planning and Zoning Commission

Figure 6
US 48: Urban Street with Parallel Parking

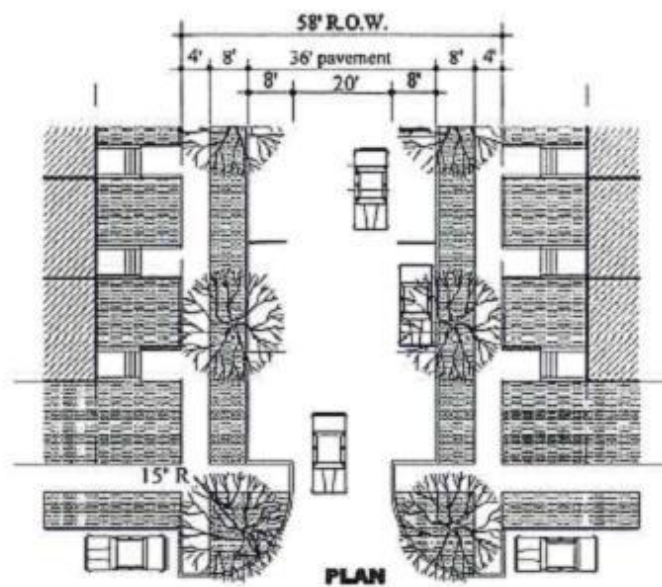
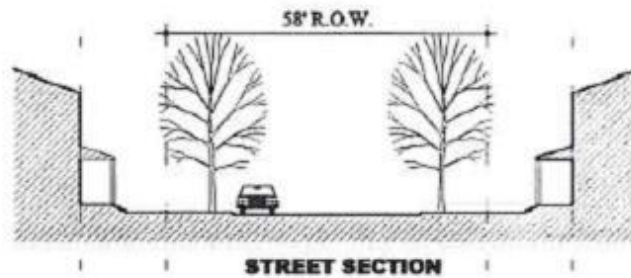


SPECIFICATIONS

R.O.W.:	48'
DESIGN SPEED:	25 m.p.h.
TRAVELWAY PAVEMENT WIDTH:	24'
PARKING:	Parallel parking on both sides @ 8' width
CURB RADIUS:	15' radius at street corners
STREET TREES:	Typical 40' O.C.
MINIMUM CENTERLINE RADIUS:	180'
SIDEWALKS:	12' width typical, 8' minimum*, on both sides

* With approval of the Planning and Zoning Commission

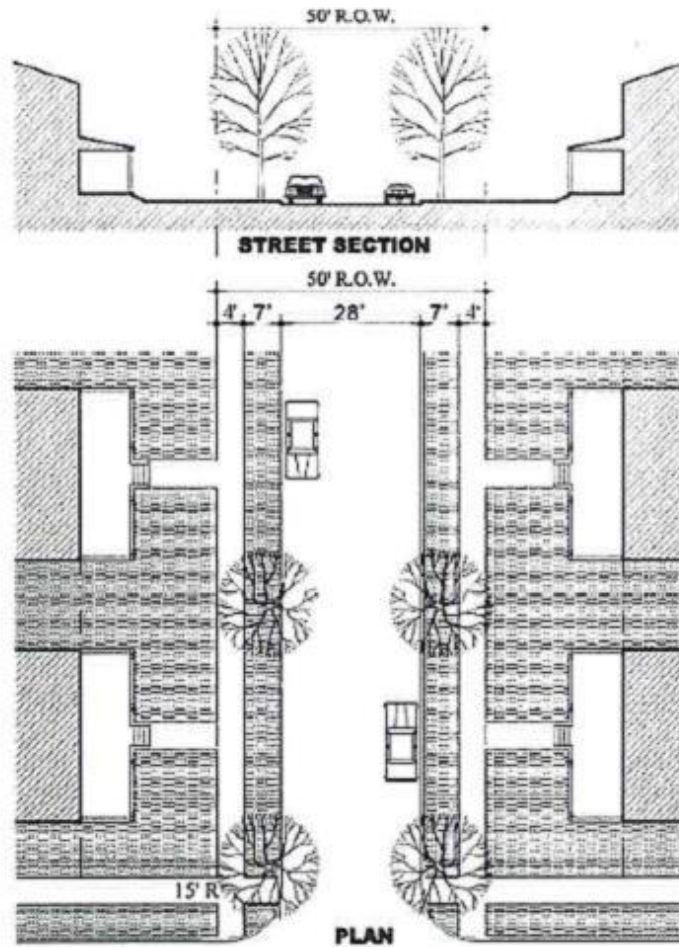
Figure 7
RC-50: Residential Collector



SPECIFICATIONS

R.O.W.:	58'
DESIGN SPEED:	25 m.p.h.
TRAVELWAY PAVEMENT WIDTH:	20'
PARKING:	Designated parallel parking on both sides @ 8' width
CURB RADIUS:	15' radius at street corners
STREET TREES:	Typical 40' O.C.
SIDEWALKS:	4' minimum both sides

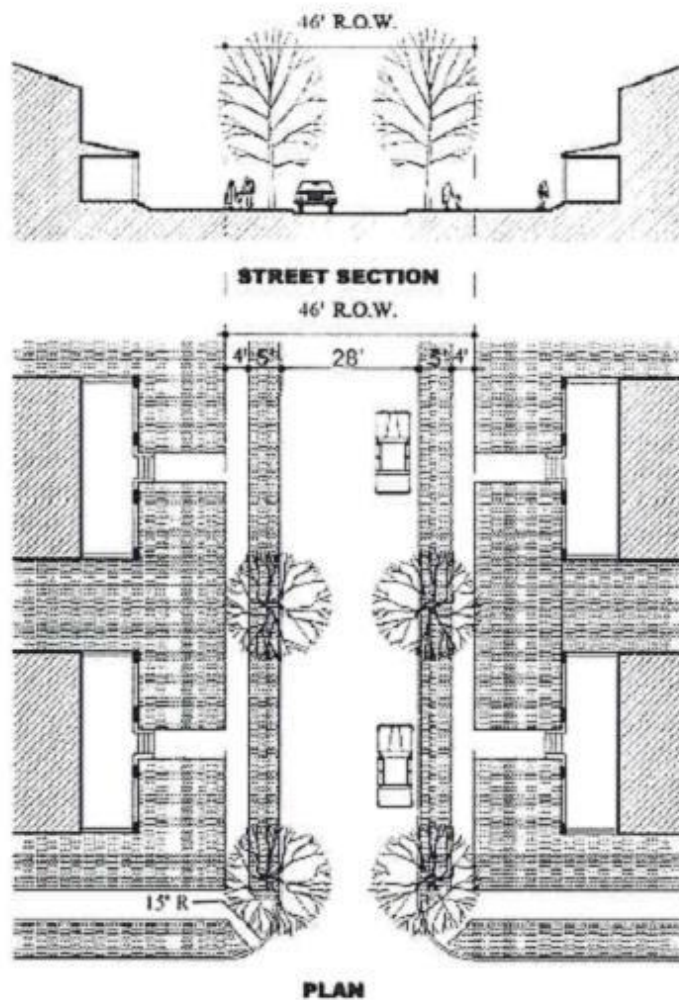
Figure 8
RS-50: Residential Street



SPECIFICATIONS

R.O.W.:	50'
DESIGN SPEED:	25 m.p.h.
TRAVELWAY PAVEMENT WIDTH:	28'
PARKING:	Parallel parking on both sides @ 8' width
CURB RADIUS:	15' radius at street corners
STREET TREES:	Typical 40' O.C.
SIDEWALKS:	4' minimum both sides

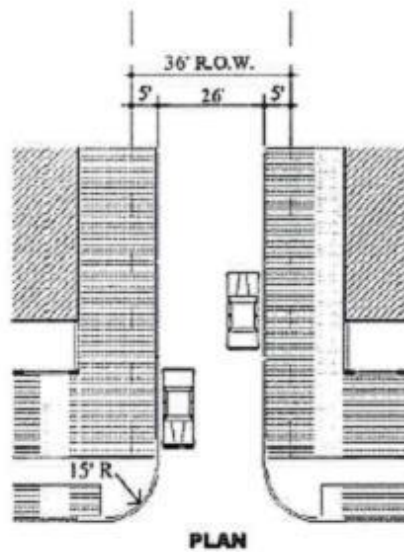
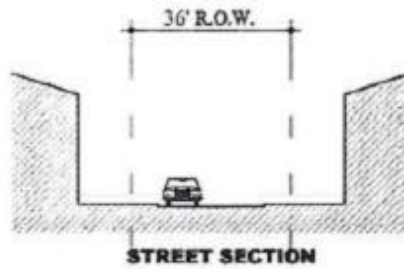
Figure 9
RS-46: Residential Lane



SPECIFICATIONS

R.O.W.:	46'
DESIGN SPEED:	25 m.p.h.
TRAVELWAY PAVEMENT WIDTH:	28'
PARKING:	Parallel parking on both sides @ 8' width
CURB RADIUS:	15' radius at street corners
STREET TREES:	Typical 40' O.C.
MINIMUM CENTERLINE RADIUS:	180'
SIDEWALKS:	4' minimum both sides

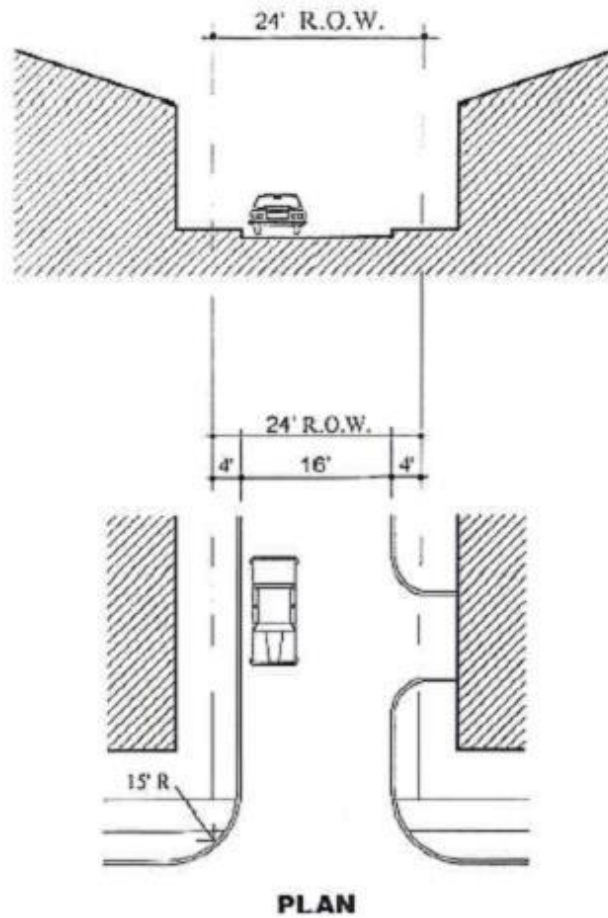
Figure 10
SS-36: Side Street



SPECIFICATIONS

R.O.W.:	36'
DESIGN SPEED:	25 m.p.h.
TRAVELWAY PAVEMENT WIDTH:	26'
PARKING:	Parallel parking on both sides @ 8' width
CURB RADIUS:	15' radius at street corners
STREET TREES:	Typical 40' O.C.
MINIMUM CENTERLINE RADIUS:	180'
SIDEWALKS:	None

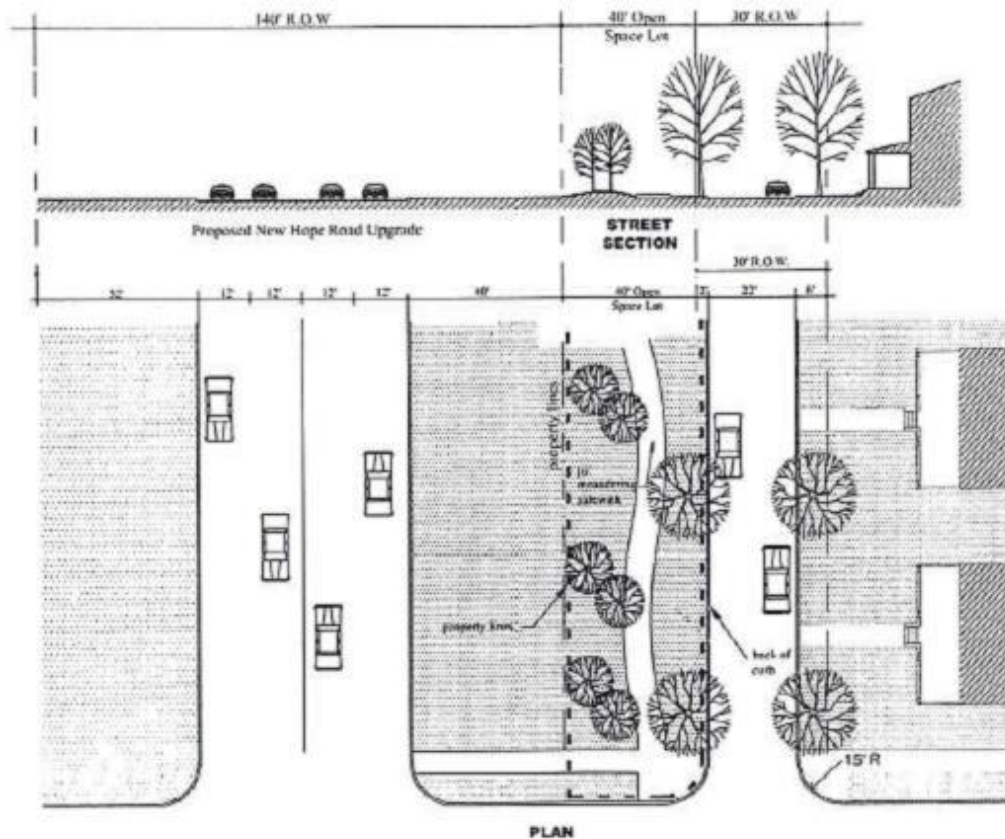
Figure 11
PL-28: One-Way Public Lane



SPECIFICATIONS

R.O.W.:	24'
DESIGN SPEED:	10 m.p.h.
TRAVELWAY PAVEMENT WIDTH:	14'
PARKING:	None
CURB RADIUS:	15' radius at street corners
STREET TREES:	Not required
MINIMUM CENTERLINE RADII:	50'

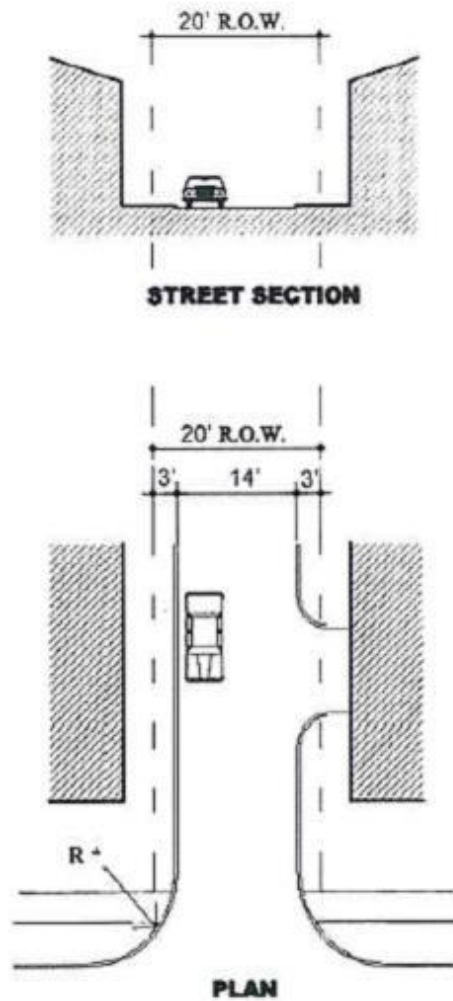
Figure 12
PL-30: Two-Way Public Lane



SPECIFICATIONS

R.O.W.:	30'
DESIGN SPEED:	15 m.p.h.
TRAVELWAY PAVEMENT WIDTH:	22'
PARKING:	One side @ 8' width
CURB RADIUS:	15' radius at street corners
STREET TREES:	Typical 40' O.C.
MINIMUM CENTERLINE RADII:	180'
SIDEWALKS:	10' one side only (open space lot)

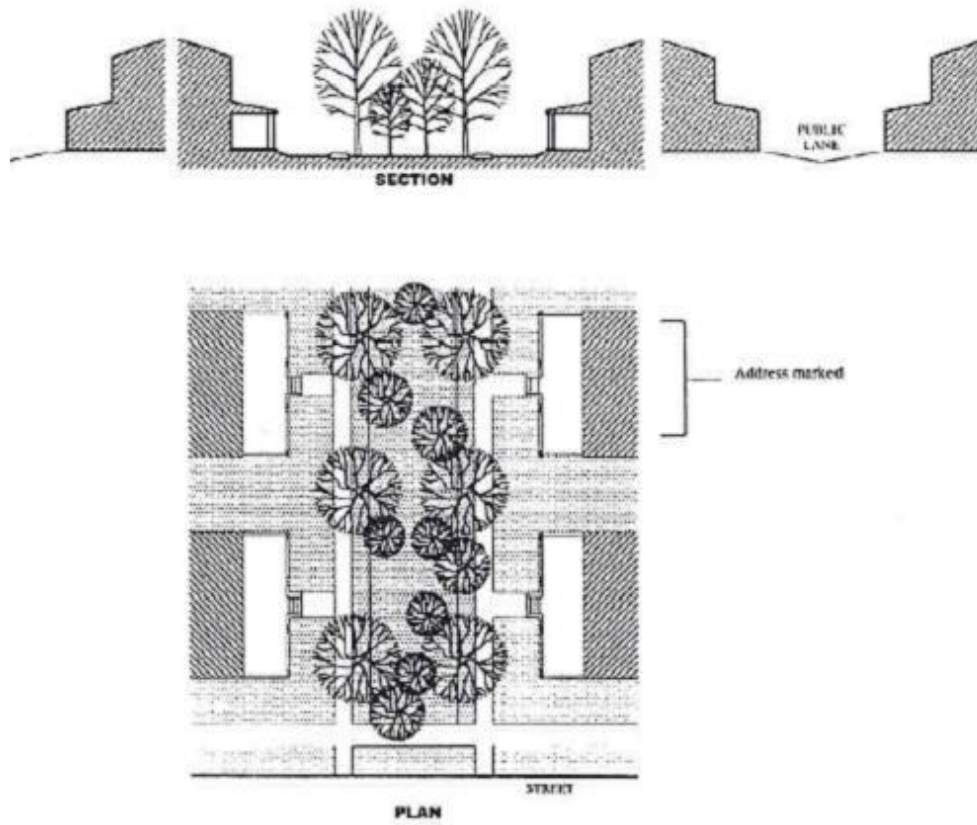
Figure 13
AL-24: One-Way Alley



SPECIFICATIONS

R.O.W.:	20'
DESIGN SPEED:	10 m.p.h.
TRAVELWAY PAVEMENT WIDTH:	14'
PARKING:	None
* CURB RADIUS:	15' radius in Mixed Residential Area, 35' radius in Town Center Area
STREET TREES:	Not required

Figure 14
Green



SPECIFICATIONS

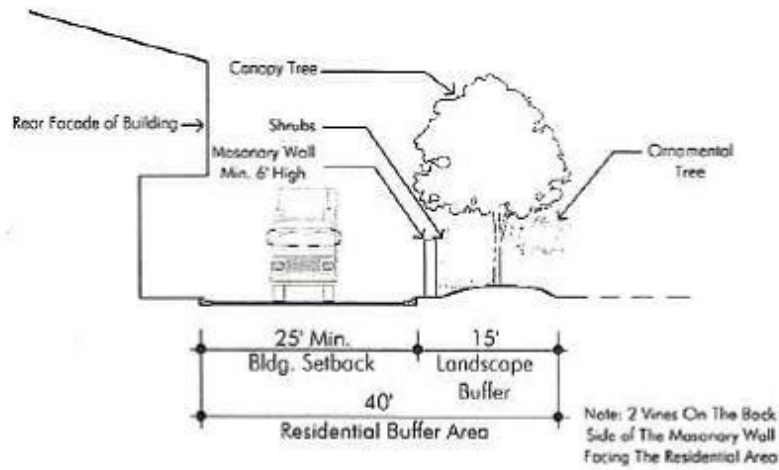
SIDEWALKS:

4' min. along lots fronting green

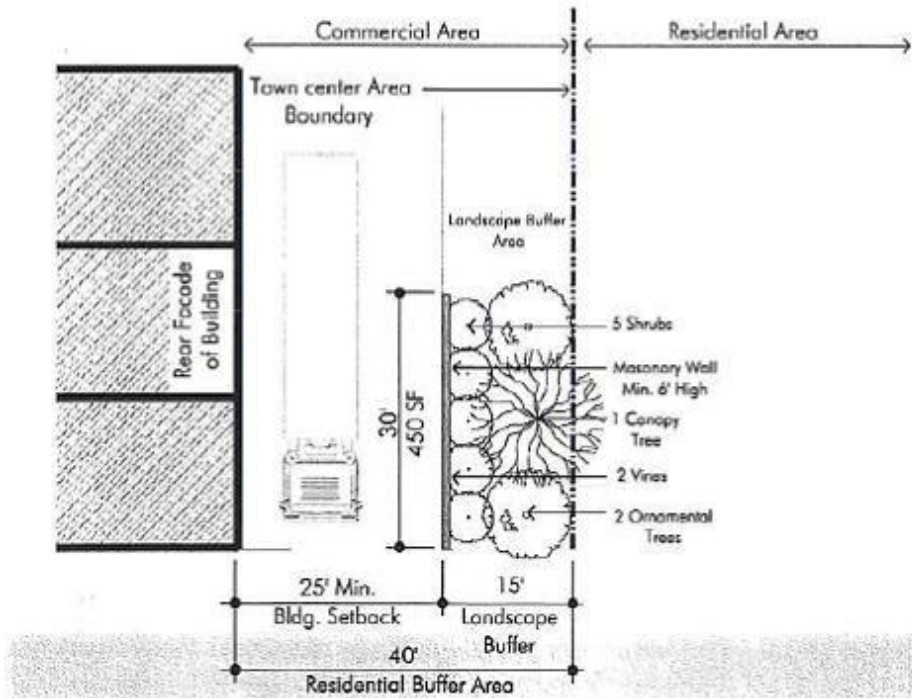
VEHICULAR SERVICE:

Public lane required along rear of lots fronting green

Figure 15
Residential Buffer Area

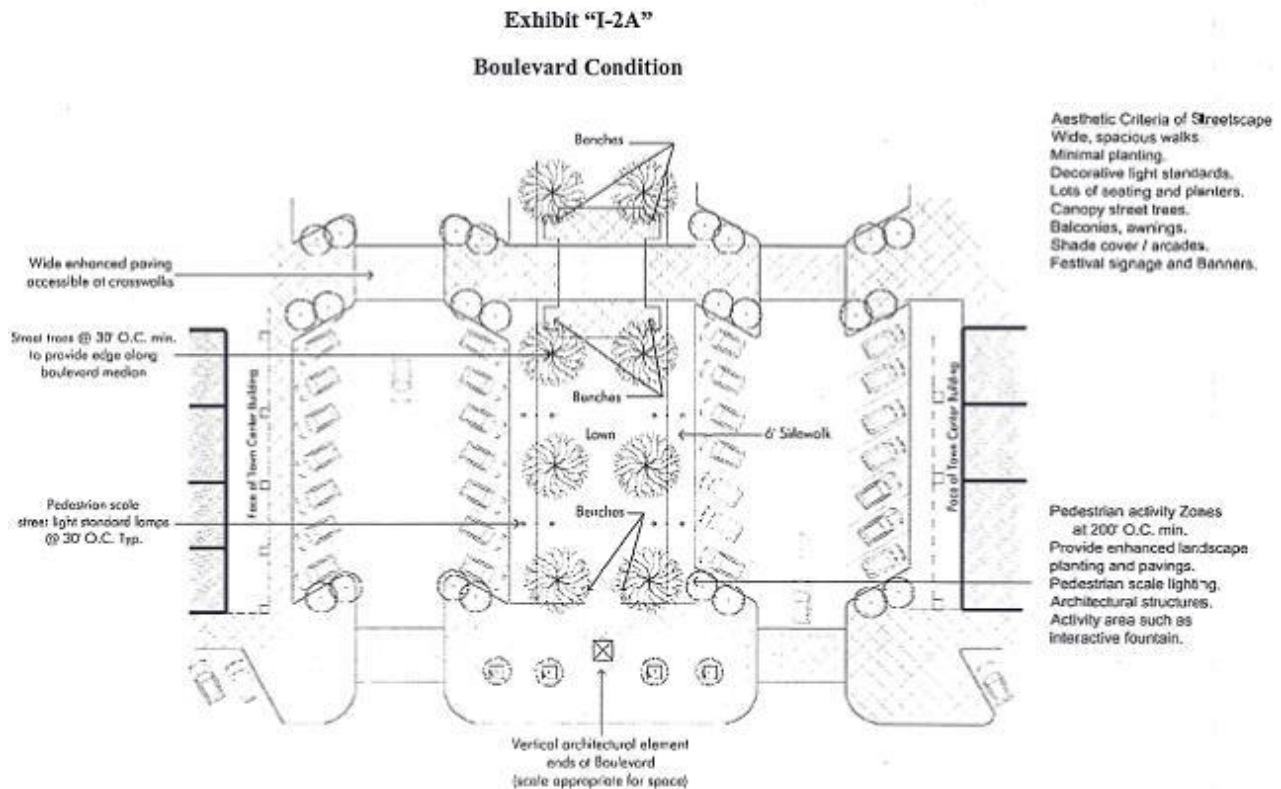


Section



Plan

Figure 16
Exhibit "I-2A" Boulevard Condition

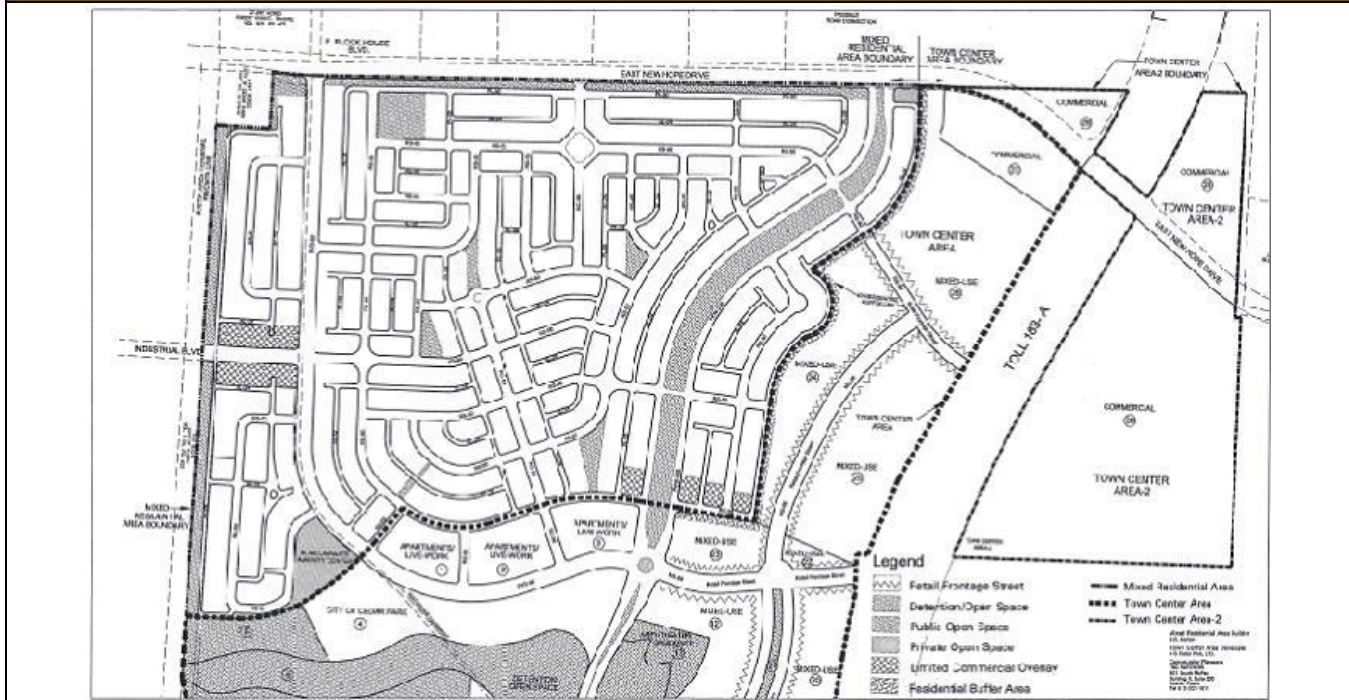


SPECIFICATIONS

R.O.W.:	66'
DESIGN SPEED:	25 m.p.h.
TRAVELWAY PAVEMENT WIDTH:	24'
PARKING:	45 degree angled parking, on each side
CURB RADIUS:	20' radius at street corners
STREET TREES:	Typical 60' O.C.
STALL WIDTH:	9'
MINIMUM CENTERLINE RADIUS:	180'
BUILDING SETBACK:	0'
SIDEWALKS:	12' width typical, 8' minimum*, on both sides

* With approval of the Planning and Zoning Commission

Figure 18
Town Center Regulating Plan Map 2



Sec. 11.02.02.05 Mixed Residential Area

A. Purposes. The Mixed Residential Area is:

1. Designed to incorporate a variety of residential land uses including:
 - a. Single-family detached residential;
 - b. Single-family attached residential; and
 - c. Multifamily residential.
2. Intended to promote pedestrian activity and circulation through well-designed streetscapes that provide for the safe and efficient movement of vehicular traffic and pedestrian circulation.
3. Intended to allow for the location of limited commercial uses serving neighborhood needs. Commercial uses may be located within certain areas of the Mixed Residential Area of the district for the convenience of nearby residents. The businesses shall be conducive to the residential pattern of development and shall not create land use, architectural or traffic conflicts.

B. Permitted Uses. The following uses shall be permitted in the Mixed Residential Area:

1. *Residential Uses.*
 - a. Single-family detached residential use including single-family detached lot and side yard lot;
 - b. Single-family attached residential use, including condominiums and townhouses;
 - c. Accessory buildings, which shall be located in rear yards, and accessory uses customarily incidental to the use of the residential uses above; and
 - d. Residential accessory dwellings.

2. *Open Space.*
 - a. Natural areas;
 - b. Conservation areas;
 - c. Outdoor recreational/athletic fields;
 - d. Outdoor swimming pools;
 - e. Parks, playgrounds, and related amenities;
 - f. Streams, lakes, impounded waterways, and their drainageways;
 - g. Clubhouses and community centers;
 - h. Transit stops and off-street parking areas; and
 - i. Pedestrian and bicycle trails.
3. *Temporary Commercial Uses.*
 - a. Temporary home sales office; and
 - b. Temporary construction site office.
4. *Commercial Uses.* Limited Commercial Overlay areas are designated on the Regulating Plan and the following uses are permitted within these areas:
 - a. Limited lodging;
 - b. Home office;
 - c. Studio office;
 - d. Arts and crafts workshop;
 - e. Boutique retail;
 - f. Corner grocery;
 - g. Limited food service; and
 - h. Neighborhood commercial.
5. *Civic Uses.*

C. Residential Site Development Regulations.

1. *Alleys.* Alleys are required unless there is a finding by the Administrator that an alley is not physically feasible of be constructed.
2. *Lot Size and Setback Regulations.* The following table lists the site development regulations for residential development within the Mixed Residential Area

Table 11.02.02.05.1 Lot Size and Setback Regulations				
REGULATION	SINGLE-FAMILY DETACHED LOT	SIDE YARD LOT	TOWNHOUSE	CONDOMINIUM
Minimum Lot Size	2,700 SF	2,700 SF	1,400 SF	4,500 SF
Minimum Lot Size On a Corner Lot	3,150 SF	3,150 SF	1,750 SF	4,950 SF
Minimum Lot Width ¹	30 FT	30 FT	20 FT	50 FT
Minimum Lot Width On a Corner Lot	35 FT	35 FT	25 FT	55 FT
Maximum Height	35 FT	35 FT	35 FT	35 FT
Minimum Front Yard Setback ^{3,4}	15 FT	15 FT	10 FT	10 FT
Minimum Street Side Yard Setback ^{3,4}	10 FT	10 FT	10 FT	10 FT

Minimum Interior Side Yard Setback ^{2,3}	5 FT	0 FT/10 FT	None	10 FT
Minimum Rear Yard Setback ³	5 FT	5 FT	5 FT	5 FT

Table Notes:

1. On a courtyard or curved street, the minimum Lot Width between the front Lot line and the minimum front yard Setback is fifteen (15) feet for a Townhouse Lot and twenty-five (25) feet for other Lots.
2. Side Yard Lots shall have a minimum interior side yard setback of zero (0) feet on one side and ten (10) feet on the other side. The minimum distance between two structures located on Side Yard Lots shall be ten (10) feet; not including roof overhangs (provided the roof overhangs do not encroach into an easement).
3. Roof overhangs may extend two (2) feet into the front, rear and side Setbacks provided that they do not encroach into an easement.
4. Minimum front yard Setbacks and street side yard Setbacks shall be measured from the property line to the line of the closest solid wall to the property line; open space areas (such as a Front Porch, stoop, balcony or bay) may encroach upon such Setback, even if there are structural supports. There shall be no structure within eight (8) feet of the front property line or a street side yard property line. Steps and handrails are not considered as a part of the structure and have no Setback requirement.

2. *Garage/Carport Regulations.*

- a. Garages or carports shall be:
 1. Accessed from the rear of the lot;
 2. Either attached or detached;
 3. Accessible from a:
 - a. Private interior drive;
 - b. Alley; or
 - c. Private street; or
 - d. Public street.
- b. Two car garages shall be required for all single-family detached residential units constructed on lots with lot width of greater than 35 feet.
- c. The Administrator may approve a garage entry facing the street provided that the garage is at least twenty (20) feet behind the front property line and at least ten (10) feet behind the front wall of the principal structure.
- d. Carports may be used if they:
 1. Conform with the all of the requirements of this Subsection;
 2. Are accessible from alleys; and
 3. Are screened from view of streets.

3. *Residential Parking Regulations.*

- a. Single-Family Detached Residential. Development of single-family detached residential units shall provide a minimum of two off-street parking spaces, except for lots:
 1. Having a lot width that exceeds 35 feet; and
 2. With a driveway that is less than 20 feet in length shall be required to provide:
 - a. One additional off-street parking space;
 - b. A second off-street parking space should the building contain a residential accessory dwelling unit; and
 - c. Shall be accessible from an alley should an alley abut the property.

- b. Single-Family Attached Residential.
 - 1. Parking spaces shall be:
 - a. Conveniently located; and
 - b. Accessible from an alley should an alley abut the property.
 - 2. Parking that exceeds one parking space per unit may be located off-street and off-site provided that the parking space is no further than 200 feet from the dwelling unit. Head-in parking off of an alley may meet these requirements.
 - 3. Development of single-family attached residential units shall provide a minimum of two off-street parking spaces with the exception of one bedroom or condominium or townhouse units, which shall provide a minimum of one and one-half (1.5) parking spaces per dwelling unit.
- c. Tandem Parking. Tandem parking shall:
 - 1. Be permitted in accordance with the provisions of the existing Code of Ordinances; and
 - 2. Count toward the required parking spaces.
- 4. *Residential Facades.*
 - a. Prohibited materials:
 - 1. Wood siding;
 - 2. Vinyl siding; and
 - 3. Metal siding.
 - b. Residential building exteriors may be finished in:
 - 1. Cementitious "hardiplank" siding;
 - 2. Brick;
 - 3. Stone;
 - 4. Cast stone; or
 - 5. Stucco.
 - c. *Residential Density.* All property within the Mixed Residential Area shall be platted to an average minimum gross density of four dwelling units per acre, excluding parks, churches and other nonresidential uses, but including Open Space, Parks, streets and other associated residential uses. Residential Accessory Dwelling units shall not be included for purposes of calculating this average minimum gross density requirement.
 - d. *Private Interior Drives.* Private interior drives are permitted only as part of a condominium development under the following conditions:
 - 1. Maintenance will be maintained by a Property Owners Association at a reasonable level;
 - 2. Compliance with all City fire and emergency regulations are met.
 - 3. A means for a vehicle to turn around for every 150 feet in length is provided for.
 - 4. A minimum street width of 20 feet.
 - e. *Height Regulations.* No building within the Mixed Residential Area shall exceed 35 feet, or two floors above ground level, whichever is less, exclusive of appurtenances.
 - f. *Residential Elevations.*
 - 1. Generally. The finished first floor of a dwelling shall be a minimum of 24 inches above the elevation of the curb along the lot frontage.

2. Exception. When the requirement in subsection C(4)f(1) above shall result in a slab elevation exceeding forty-eight (48) inches above grade on any portion of the slab due to topographic conditions, in which event the elevation may be reduced to the minimum amount necessary as to not cause an elevation of the slab that is forty-eight (48) inches above ground. Notwithstanding the above, variations may be considered for this requirement in order to protect an existing tree. The elevation shall be measured from the location on the curb that is perpendicular to the primary entry of the Principal Dwelling Structure.

g. *Front Porch Regulations.*

1. Single-family detached residential units, other than those constructed on a lot with a lot width that is equivalent to or less than 35 feet shall comply with the following:
 - a. 20 percent of the principal dwelling structure shall not be required to comply with any minimum front porch regulations within this Section; and
 - b. 80 percent of the principal dwelling structure shall not be required to include a front porch with:
 - i. 80 square feet having a minimum depth of 6 six feet; and
 - ii. A minimum of 100 square feet of total front porch area.
2. Single-family detached residential units constructed on a lot with a lot width that is equivalent to or less than 35 feet, shall comply with the following:
 - a. 40 percent of the principal dwelling structure shall not be required to comply with any minimum front porch regulations within this Section; and
 - b. 60 percent of the principal dwelling structure shall be required to include a front porch with 50 square feet and having a minimum depth of six feet.
3. Single-family attached residential. No requirements.
4. Measurements.
 - a. Dimensions of front porches shall be based on the extent of exposed slab.
 - b. Percentage of compliance as set forth above shall be measured on a plat-by-plat basis.

h. *Roof Regulations.*

1. Pitched roofs may be clad in:
 - a. Painted or galvanized metal;
 - b. Clay or concrete tile; or
 - c. 25 year (minimum) composition shingles.
2. Flat roofs are permitted only if habitable as a roof terrace.
3. Principal pitched roofs shall be symmetrical gable, hip, or barrel vault with a pitch no less than 5:12.
4. Porch and stoop roofs may have a 2:12 minimum pitch.

i. *Condominium Spacing.*

1. Each building shall be at least 10 feet from the walls of the nearest dwelling unit, not including stoops, porches, and other non-air conditioned spaces.
2. The roof overhang may extend up two feet into the side yard setback.

j. *Screening of Above Ground Utility Facilities and Mechanical Equipment.*

1. Electrical transformers, air-conditioning compressors and other above ground utility facilities and mechanical equipment (other than fire hydrants) shall be screened from view from public streets.
 2. Screening may consist of fencing, landscaping, or other visual screening.
 3. Landscaping that will, at maturity, screen at least 60 percent of the view of the facility shall be considered adequate screening for the purpose of this Section.
- k. *Addressing Locations.* For all lot located adjacent to an alley, assigned City address numbers shall be permanently affixed to all structures in such positions as to be plainly visible and legible from both the street and alley.

D. Side Yard Lots. The following regulations shall apply to side yard lots:

1. A structure may be erected adjacent to an Interior Side Lot line, the eaves of a structure may extend across the interior side lot line not more than two feet.
2. Except for a patio or patio cover, the minimum distance between structures on adjoining lots is 10 feet.
3. The minimum distance between a patio or patio cover and a structure on an adjoining lot is six feet.
4. *Easements.*
 - a. An easement is required for the purpose of construction and maintenance of a structure on each lot that abuts a lot with a structure adjacent to a common interior side lot line.
 - b. The easement shall:
 1. Be not less than five feet wide; and
 2. Extend the full length of the interior side lot line.

E. Residential Accessory Dwellings. A lot intended for use as a single-family residential dwelling unit may contain both a principal dwelling structure and a residential accessory dwelling unit under the following conditions (applicable to the residential accessory dwelling):

1. Unit is required to be in the rear yard of the lot.
2. No more than one unit dwelling per lot.
3. Maximum height (provided that a residential accessory dwelling unit shall not be constructed to a height greater than the principal dwelling structure) shall be the lesser of:
 - a. Two stories; or
 - b. Thirty-five feet.
4. Maximum floor area: 600 hundred square feet.
5. Parking shall:
 - a. Be accessible from an alley, if any; and
 - b. Not be less than one parking space per accessory dwelling unit.
6. All units shall be in compliance with all applicable regulations within the Code of Ordinances , including but not limited to, those dealing with building, plumbing electrical, fire, safety, health, sanitation, and property maintenance.
7. *Utilities.*
 - a. Utilities provided to the residential accessory dwelling unit shall be submetered from the Principal Dwelling Structure.
 - b. Utility Assignments for Residential Accessory Dwellings. Impact fees for both water and wastewater shall be paid and LUE's issued for each Residential Accessory Dwelling unit as

required by City Code. Not less than one-half (1/2) of a water LUE and one-half (1/2) of a wastewater LUE shall be required for each Residential Accessory Dwelling. LUE's shall be counted and credited as they are allocated, whether in whole numbers or in fractions thereof.

F. **Residential-Scale Commercial Site Development Regulations.** The following standards for the Limited Commercial Overlay Districts are intended to preserve the residential atmosphere and be consistent with the District.

1. *Dwelling Units.* Dwelling units are permitted above or behind a commercial use and are secondary to that commercial use.
2. *Lot Size.* The following site development regulations shall be applicable to commercial uses:
 - a. Minimum Lot Size: 3,500 square feet.
 - b. Minimum Lot Depth: 100 feet.
 - c. Minimum Lot Width: 35 feet.
 - d. Maximum Height: 35 feet.
3. *Setbacks.*
 - a. Front Yard: 10 feet.
 - b. Side Yard: 5 feet.
 - c. Street Side Yard: 10 feet.
 - d. Rear: 10 feet.
4. *Parking Regulations.*
 - a. Off-street parking shall be provided as required by the Code of Ordinances except that designated on-street parking spaces along the frontage of the lot shall count toward the required parking spaces.
 - b. Off-street parking for Limited Commercial Overlay uses shall be located in the side yard and/or rear yard.
5. *Sold on Site.* Items produced or wares and merchandise handled shall be limited to those sold on the premises.
6. *Operating and Delivery Hours.* Operating and delivery hours for commercial uses, including private refuse pickup, shall be limited to the period from 6:00 a.m. to 10:00 p.m.
7. *Limited Lodging: Bed and Breakfast Establishment*
 - a. The property owner shall occupy the residence.
 - b. A maximum of four guest bedrooms may be provided.
 - c. Paying guests shall not stay more than seven consecutive days.
 - d. Only overnight guests may be served meals at the establishment, except that luncheons and receptions may be held for attendees of organized social functions and tours.
 - e. Each bed and breakfast establishment shall provide a minimum of two off-street parking spaces plus one additional space for each guest room shall be provided unless the establishment's owner can show that adequate off-street parking is available at an adjacent commercial site under common ownership or lease.
 - f. Each bed and breakfast establishment shall comply with all licensing requirements of the County Health Department for storage, preparation, and serving of food and beverages.
8. *Limited Office.*

- a. Only the first story of a principal or ancillary building allows for limited office uses.
 - b. No outdoor storage of materials is allowed.
 - c. Parking: One assigned parking space for each 300 square feet of commercial usage in the building in addition to the parking requirement for each dwelling (i.e., home office).
9. *Limited Commercial* .
- a. Only the first story of a principal or ancillary building allows for limited commercial uses.
 - b. The parking regulations shall be determined according to the specific activity (i.e., child care or coffee house) and the Code of Ordinances.

Sec. 11.02.02.06 Town Center Area 1

- A. **Purpose.** The Town Center Area 1 is intended to:
- 1. Serve as the focal point of the District;
 - 2. Contain retail, commercial, civic, and residential uses to meet the needs of the community;
 - 3. Create an intensive concentration of retail services, including shops, restaurants, cafes, and entertainment venues;
 - 4. Create the potential for office and multifamily residential development, all oriented to the public framework of streets and open spaces;
 - 5. Create a vibrant mixed-use center with a strong pedestrian orientation;
 - 6. Create open space as an integral component of the area; and
 - 7. Be pedestrian oriented, including the encouragement of pedestrian movement between the Mixed Residential Area and the Town Center Area 1.
- B. **Permitted Uses.** The following uses shall be permitted within Town Center Area 1:
- 1. *Residential Uses.*
 - a. Single-family attached residential, including condominiums and townhouses; and
 - b. Multifamily residential.
 - 2. *Commercial Uses.* Unless otherwise prohibited , all uses permitted within the GB Zoning District are permitted within the Town Center Area 1 labeled as "Mixed-Use."
 - 3. *Civic Uses.*
 - 4. *Open Space.*
 - a. Conservation areas;
 - b. Outdoor recreational / athletic facilities;
 - c. Outdoor swimming pools;
 - d. Parks, playgrounds and related amenities;
 - e. Streams, lakes, impounded waterways and their drainage-ways;
 - f. Clubhouses and community centers;
 - g. Off-street parking areas; and
 - h. Pedestrian and bicycle trails.
 - 5. *Mixed Use.*
 - a. Mixed Use is permitted as where shown on the Regulating Plan.
 - b. Mixed Use does not require any certain combination or mix of permitted uses.

- c. Building and structures combining any mix of permitted and conditional uses are allowed, subject to the standards and provisions set forth in the Town Center.

C. Site Development Regulations.

1. *Setbacks.* Except as set forth in subsection (C)(2), *Residential Buffer Areas* below there shall be no required setbacks in Town Center Area 1.
2. *Residential Buffer Areas.* Residential Buffer Areas are intended to provide a transition from Single-Family Detached Residential buildings and Single-Family Attached Residential Buildings to permitted uses in the Town Center Area 1.
 - a. *Building Setbacks.* In a Residential Buffer Area, the minimum buildings setback from residential uses and associated alleys in the Mixed Residential Area for Town Center uses other than Townhomes and Condominiums shall be forty [feet] (40') and the landscape setback shall be fifteen feet (15'). *See Figure 15*
 - b. *Landscape Setbacks.* In a Residential Buffer Area, a fifteen foot (15') landscape buffer area in the Town Center Area is required adjacent to residential uses. That strip of land, the landscape buffer between such Residential Lot and Town Center parking lots, service drives and loading areas, shall be improved and maintained as follows:
 1. A masonry wall not less than six foot [feet] (6') tall and not more than eight feet (8') tall (the "Buffer Wall") in the landscape buffer and within an area which is not less than ten feet (10') and not more than fifteen feet (15') from the residential use in the Mixed Residential Area,
 2. Every forty feet of length of the Buffer Wall, the landscaped buffer on the Mixed Residential Area side of the Buffer Wall improved and landscaped with one (1) canopy tree, two (2) ornamental trees, five (5) shrubs, and two (2) vines, and
 3. An irrigation system sufficient to properly water and maintain the trees, hedges, and other plantings in the landscape buffer. These improvements and the setbacks are shown on Figure 15.
 4. The landscape buffer on the Mixed Residential Area side of the Buffer Wall will be owned by the owner of the applicable property in the Town Center Area 1 but will be maintained by the Property Owners Association for the Mixed Residential Area.
 5. The Buffer Wall will be maintained by the owner of the Town Center Area tract on which the wall is located or, if a Property Owners Association is created for the Town Center Area 1, then by such Property Owners Association. The Property Owners Association for the Mixed Residential Area shall have and is hereby granted an access and landscape easement, and such easement shall be shown on all final subdivision plats for the Town Center Area property.
3. *Balconies.* An unenclosed balcony with a minimum clearance of nine feet above finished grade may extend five feet over a public sidewalk.
4. *Awning or Walkway.* An awning or walkway covering with a minimum clearance of eight feet above grade may extend five feet over a public sidewalk.
5. *Secondary Residential Use.* Residential units are permitted above or behind a commercial use and are secondary to that commercial use.
6. *Automobiles.* Automobiles shall be accommodated in a manner that provides for convenience but does not undermine the integrity of the public environment or the quality of the pedestrian realm.
7. *Alcoholic Beverage Regulations.* Sale or consumption of alcoholic beverages is permitted within the Town Center Area and is subject only to applicable state statutes. The City Code with respect to the

sale or consumption of alcoholic beverages does not apply to the establishment, location, licensing, and/or permitting of bars and cocktail lounges.

8. *Residential Elevation.*

- a. Elevation shall be measured from the location on the curb that is perpendicular to the primary entry of the principal dwelling structure.
- b. A residential use with street level living space shall have a finished first floor elevation of not less than 24 inches above the elevation of the curb along the lot frontage except when such requirement shall result in a slab elevation exceeding 48 inches above grade on any portion of the slab due to topographic conditions, in which event the elevation may be reduced to the minimum amount necessary as to not cause an elevation of the slab that is forty-eight (48) inches above ground. Notwithstanding the above, variations may be considered for this requirement in order to protect an existing tree.

9. *Location of Unsightly Equipment.*

- a. Dumpsters, mechanical equipment, storage areas and areas for refuse collection
 1. Shall be located so as not to detract from public use areas; and
 2. Are not allowed in the residential buffer area.
- b. No areas for outdoor storage, trash collection, or compaction, or other such uses shall be located within 25 feet of any public street, public sidewalk, residential use, or internal pedestrian pathway. This requirement does not apply to a statutorily required accessible ADA route servicing the trash collection area.

10. *Buildings.* Multi-level mixed use buildings will be a feature of the Town Center Area 1. This Area is envisioned as a vibrant mixed-use center with a strong pedestrian orientation. All buildings and structures in the Town Center Area 1 shall comply with the following standards:

- a. Uses. Town Center uses shall include public places, public-oriented activities, amenities, and treatments on the ground floor, including shops, cafes, offices, or other such uses that promote a positive pedestrian environment.
- b. Facades.
 1. Facade Walls. Front facade walls and side facade walls must incorporate all of the following design elements. Rear facade walls must incorporate at least two of the following design elements. The cumulative length of these design elements must extend for at least 75 percent of the facade wall's horizontal length.
 - a. A repeating pattern of wall recesses and projections, such as bays, offsets, reveals, or projecting ribs, that has a relief of at least eight inches.
 - b. Arcades, awnings, canopies, covered walkways, or porticos.
 - c. Display windows, faux windows, or decorative windows.
 2. Facade Wall Changes. Facade walls must have one or more of the following changes:
 - a. Changes of color, texture, or material, either diagonally, horizontally, or vertically, at intervals of not less than 20 feet and not more than 100 feet.
 - b. Changes in plane with a depth of at least 24 inches, either diagonally, horizontally, or vertically, at intervals of not less than 20 feet and not more than 100 feet.
 3. Facade Materials and Colors.
 - a. No more than 80 percent of the area of a facade wall, exclusive of fenestration, may have a single material color.

- b. The following material may only be used as an accent material: smooth-faced concrete block that is non-tinted or non-burnished; tilt-up concrete panels that are unadorned or untextured; and prefabricated steel panels.
- 4. Front Facade Orientation. The front facade shall not be oriented to face directly toward a parking lot.
- 5. Front Facade Openings. A minimum of 30 percent of the front facade on the ground floor of commercial buildings shall consist of window or door openings, allowing views into and out of the interior of the building.
- c. Primary Entrance Design Elements. In order to make the primary entrance architecturally prominent and clearly visible from the abutting street, at least three of the following design elements are required at the primary entrance:
 - 1. Architectural details such, but not limited to, arches, friezes, tilt work, murals, or moldings.
 - 2. Integral planters or wing walls that incorporate landscaping or seating.
 - 3. Enhanced exterior lighting fixtures such as wall sconces, light coves with concealed light sources, ground-mounted accent lights, or decorative pedestal lights.
 - 4. Prominent three-dimensional features such as belfries, chimneys, clock towers, domes, spires, steeples, towers, or turrets.
 - 5. A repeating pattern of pilasters projecting from the facade wall by a minimum of eight inches or architectural or decorative columns.
- d. Roofs.
 - 1. Roof-mounted mechanical equipment, skylights, and solar panels must be screened or set back so that they are not visible from a point five feet and six inches above grade at the property line.
 - 2. Screening materials must match the materials and colors used on the main building.
 - 3. Chain-link fence may not be used as a screening material.
- e. No Residential at Street Level for Retail. For areas designated as commercial space on the Regulating Plan in the Town Center Area 1, residential use is not permitted on the street.
- f. Civic Buildings. Civic buildings, including buildings owned or leased by the City, shall be designed so as to be:
 - 1. Architecturally significant;
 - 2. A focal point for the area; and
 - 3. To reinforce their position as an important place in the Town Center.
- 11. *Retail Frontage Street Buildings.* In addition to the other requirements of Subsection (C)(10) above, buildings along the Retail Frontage Street shall:
 - a. Include retail, restaurant and entertainment uses that are permitted and preferred along the Retail Frontage Street designated on the Regulating Plan.
 - b. Include ground level retail, hotel, restaurant, entertainment, and other commercial and public-oriented uses that generate pedestrian activity;
 - c. Include storefronts that are predominantly transparent (minimum 30 percent) of ground level facade in glass windows and entries at frequent intervals (no greater than 50 feet along the building frontage);
 - d. Incorporate adequate provisions for shade and pedestrian shelter;

- e. Provide direct access to pedestrian passage and to convenient surface and/or structured parking which shall be located away from the predominant public view along this frontage;
 - f. Be designed with continuous storefronts (within the developable areas of the Retail Frontage Street), exclusive of streets, pedestrian access, and other public gathering places; and
 - g. Hotels shall be permitted along the Retail Frontage Street provided that there are no rooms intended for lodging and no meeting rooms located on the street frontage on Retail Frontage Street.
12. *Height.* All buildings and structures in the Town Center Area 1 shall have the following height regulations:
- a. Minimum Height: Two floors or 24 feet.
 - b. Maximum Height:
 - 1. General Requirement. Five floors or 75 feet, whichever is less.
 - 2. Exception to General Requirement. In order to promote variation and hierarchy, taller buildings may be permitted if it is demonstrated to the Planning and Zoning Commission that buildings with such additional height (e.g., hotels):
 - a. Reinforce the form and structure of the Town Center, by creating visual gateways, termini, focal points, etc.;
 - b. Provide a harmonious scale transition to adjacent development;
 - c. Are sufficiently spaced from other taller buildings to remain the exception rather than the rule;
 - d. Do not exceed a floorplate of 25,000 gross square feet above the fifth floor; and
 - e. Are treated in a way that will promote a unique architectural identity that is in scale with the community (e.g., articulation of building base and middle with distinctive roof silhouette).
13. *Roof Regulations.*
- a. Design Elements.
 - 1. Parapets.
 - a. Parapets with horizontal tops having height changes of at least one foot occurring horizontally no less than every 100 feet.
 - b. Parapets that do not have horizontal tops must have pitched or rounded tops with a pattern that repeats or varies no less than every 100 feet.
 - c. All parapets must have detailing such as cornices, moldings, trim, or variations in brick coursing.
 - 2. Sloping roofs must have at least two of the following design elements:
 - a. Slope of at least 5:12.
 - b. Two or more slope planes.
 - c. Overhanging eaves extending at least three feet beyond the supporting wall.
 - b. Materials.
 - 1. Pitched roofs may be clad in painted or galvanized metal, clay or concrete tile.
 - 2. Flat roofs may be made of built-up roofing or a membrane roofing system.
 - c. Roof penetrations and rooftop mechanical systems shall be screened or setback from view at street level.

14. *Designated Service Areas.* Designated loading and service areas shall not be permitted along the Retail Frontage Street or within 25 feet of residential properties or associated alleys in the Mixed Residential Area.
15. *Residential Minimum and Optimum Densities.* A minimum density of 20 dwelling units per acre and an optimum density of 40 dwelling units per acre should be pursued for lots developed for residential use only within the Town Center.
16. *Street trees.*
 - a. Shade trees are required to be planted in an orderly fashion along all Town Center Area 1 streets.
 - b. Tree types may be varied by street to create variety.
 - c. Tree spacing shall be generally 35 to 40 feet on center in a regular pattern that creates or reinforces the line of the street.
17. *Sidewalks.* Sidewalks along the Retail Frontage Street and other primary circulation routes within the Town Center Area 1 shall have a minimum width of 12 feet, except that the waivers may be granted by the Commission for a reduction to a minimum of 8 feet when it is determined that certain conditions would make such reduction appropriate for the design of the project.
18. *Development to a Human Scale.* Site features including, but not limited to, environmental graphics, lighting, public art and amenities, public and private gathering areas, building facades and landscaping that are located along the Retail Frontage Street and other pedestrian-oriented areas shall be designed to a human scale.
19. *Design Integration.* A site development applicant shall demonstrate to the Director how the design of a proposed development can be integrated with the remainder of the Area in compliance with this Town Center Code. The Commission shall have the authority to determine compliance with such standards.
20. *Lighting.* Town Center Buildings Rear Yard Development Standards. The following standards shall apply to the rear facades and rear yards of Town Center Buildings: (i) *Lighting.* Average illumination for parking and loading areas in the rear yard must be a minimum of 0.5 foot-candle and a maximum of 4.0 foot-candles. Posts for Parking Lot lights must not exceed 18 feet in height. Only metal halide lights are permitted, unless otherwise approved by the Director. All outdoor lighting fixtures shall be fully shielded light fixtures. All light fixtures shall be located, aimed, and/or shielded so as to prevent stray light from trespassing across property boundaries. The use of laser source light of any similar high intensity light, including searchlights, is prohibited.
21. *Signage.* See Chapter 13, Sign Regulations.

E. Parking Regulations.

1. *Required Parking.* The required parking for a use may be located anywhere in the Town Center Area 1. Community parking facilities are encouraged.
2. *Shared Parking and Adjacent On-Street Parking.* Any shared parking or adjacent on-street parking may apply toward the minimum parking requirements.
3. *Surface Parking Lots.* Surface parking lots are permitted provided the lots:
 - a. Do not front on the Retail Frontage Street;
 - b. Are well landscaped with hedges and other types of low planting and screening provided along all street frontages and other public places; and
 - c. Are accessible from secondary streets.

4. *Parking Structures.* Parking structures shall:
 - a. Be provided in general compliance with the Regulating Plan in order to provide for the intended density and mixture of uses shown;
 - b. To the greatest extent possible, be encapsulated within or below buildings in a manner that conceals it from predominant public view;
 - c. Not interrupt the continuity of the pedestrian environment;
 - d. Not be situated along the Retail Frontage Street;
 - e. Be positioned to encourage maximum shared use;
 - f. To the maximum extent practicable, incorporate active ground-level uses when frontage on streets other than 183A Toll Road;
 - g. Not be built to have sloping floor elevations occur adjacent to public streets;
 - h. Have entryways and stairways be well lit and visible; and
 - i. Whenever feasible, not front on a public street. The exception shall be along 183A Toll Road.
5. *Alleys.* Parking in alleys is prohibited.
6. *Bicycle Parking.* Convenient bicycle parking shall be provided for employees and customers.

F. Electrical and Communications Infrastructure.

1. *Fiber Optic Cable.* Underground fiber optic cable (or the latest technology equivalent) communications equipment shall be:
 - a. Provided for all development in the Town Center Area 1;
 - b. Shown on all utility plans for this Area; and
 - c. Installed in conjunction with subdivision construction and site development.
2. *Electric Service.* Site areas appropriate for outdoor gatherings shall be pre-wired for underground electric service and other events.

G. Retention Pond.

1. *Requirement.* A retention pond shall be required to be installed with approximately the same size and in the same approximate location as shown on the Regulating Plan (parcel #2 and parcel #14).
2. *Slope Conditions.* Slope conditions adjacent to the pond are required to be not greater than 5:1 in order to promote a pedestrian friendly environment.

Sec. 11.02.02.07 Town Center Area 2

A. Permitted Uses. The following uses shall be permitted within Town Center Area 2:

1. *Commercial Uses.* Unless otherwise prohibited, all uses permitted within the General Business (GB) district are permitted within Town Center Area 2.
2. *Civic Uses.*
3. *Open Spaces.*
 - a. Conservation areas;
 - b. Outdoor recreational/athletic facilities;
 - c. Outdoor swimming pools;
 - d. Parks, playgrounds, and related amenities;
 - e. Streams, lakes, impounded waterways, and their drainageways;
 - f. Clubhouses and community centers;

- g. Off-street parking areas; and
- h. Pedestrian and bicycle trails.

B. **Site Development Regulations.** The Code of Ordinances and all other site development standards and requirements of the City apply to and govern Town Center Area 2.

Sec. 11.02.02.08 Neighborhood Commercial Area

A. **Purposes.** The Neighborhood Commercial Area is designed to:

1. Contain retail, commercial, civic, and limited residential uses to meet the needs of community residents;
2. Include a concentration of retail services, including shops, restaurants, cafes, and restaurant venues;
3. Attract office and multifamily residential development all oriented to the public framework of streets and open spaces;
4. Be pedestrian-oriented to encourage pedestrian movement between the Mixed Residential Area and the Neighborhood Commercial Area; and
5. Create useable open space to be an integral component of the Area.

B. **Permitted Uses.** The following uses shall be permitted within the Neighborhood Commercial Area:

1. *Residential Uses.*
 - a. Condominiums; and
 - b. Multifamily residential.
2. *Commercial Uses.*
 - a. Unless otherwise prohibited, all uses permitted within a General Business (GB), Neighborhood Business (NB), Local Business (LB), or Multifamily (MF) Zoning District are permitted within the Neighborhood Commercial Area;
 - b. Indoor kennels;
 - c. Car washes; and
 - d. Drive-through commercial uses.
 - e. A minimum of 40 percent of the building square footage in the Neighborhood Commercial Area shall be comprised of retail, personal services, and/or restaurant uses.
3. *Civic Uses.*
4. *Open Space.*
 - a. Conservation areas;
 - b. Outdoor recreational / athletic fields;
 - c. Outdoor swimming pools;
 - d. Parks, playgrounds, and related amenities;
 - e. Streams, lakes, impounded waterways, and their drainage ways;
 - f. Clubhouses and community centers;
 - g. Off-street parking areas; and
 - h. Pedestrian and bicycle trails.

C. **Site Development Regulations.**

1. *Setbacks.* Except as set forth in subsection (C)(2), *Landscaped Areas* below there shall be no required minimum setbacks within the Neighborhood Commercial Area.
2. *Residential Buffer Areas.* Notwithstanding the above, a 25 foot landscaped area and building setback line shall be required for property in the Neighborhood Commercial Area that abuts Discovery Boulevard, New Hope Drive, and/or 183A Toll Road, and in any Residential Buffer Area.
3. *Mixed Use.* Residential units are permitted above or behind a commercial use and are secondary to that commercial use.
4. *Automobiles.* Automobiles shall be accommodated in a manner that provides for convenience but does not undermine the integrity of the public environment or the quality of the pedestrian realm.
5. *Alcohol.* Sale or consumption of alcoholic beverages is permitted only within areas set forth in the Code of Ordinances or state statutes, as may be amended from time to time, and is subject to the terms and conditions set forth therein.
6. *Residential Elevations.* A residential use with street level living space shall have a finished first floor elevation not less than 24 inches above the elevation of the curb along the Lot frontage except when such requirement shall result in a slab elevation exceeding 48 inches above grade on any portion of the slab due to topographic conditions, in which event the elevation may be reduced to the minimum amount necessary as to not cause an elevation of the slab that is 48 inches above ground. Notwithstanding the above, variations may be considered for this requirement in order to protect an existing tree. The elevation shall be measured from the location on the curb that is perpendicular to the primary entry of the principal dwelling structure.
7. *Location of Unsightly Equipment.* Dumpsters, mechanical equipment, storage areas and areas used for refuse collection:
 - a. Shall be located so as to not detract from public use areas;
 - b. Are not allowed in a residential buffer area.
8. *Facades.*
 - a. All sides of a building that are visible from a public street, public gathering area or green shall be compatible with or equivalent to the architectural features, materials and the articulation of the front facade of the building.
 - b. A minimum of 30 percent of the front facade on the ground floor of commercial buildings shall consist of window or door openings, allowing views into and out of the interior of the building.
9. *Height.*
 - a. The maximum height of Neighborhood Commercial Area buildings shall be the lesser of three stories or 40 feet in height; provided, however, the maximum height of any portion of a neighborhood center area building in a residential buffer area shall be 18 feet.
 - b. The height of Neighborhood Commercial Area buildings shall provide a harmonious scale transition to adjacent development and shall be treated in such a way that will promote a unique architectural identity that is in scale with the community (e.g., articulation of building base and middle with distinctive roof silhouette).
10. *Roof Regulations.*
 - a. Pitched roofs may be clad in painted or galvanized metal, clay or concrete tile.
 - b. Flat roofs may be made of built-up roofing or a membrane roofing system.
 - c. Principal pitched roofs shall be symmetrical gable, hip, or barrel vault with a pitch no less than 5:12. Porch and stoop roofs may be 2:12 minimum pitch.

- d. Roof penetrations and rooftop mechanical systems shall be screened or setback from view at street level.

11. *Street Trees.*

- a. Shade trees planted in an orderly fashion along all Neighborhood Commercial streets are required.
- b. Tree types may be varied by street to create variety.
- c. Tree spacing shall be a minimum of 40 feet in a regular pattern that creates or reinforces the line of the street.

12. *Landscape Standards.* The Neighborhood Commercial Area shall comply with all landscaping ordinances pursuant to the Code of Ordinances. .

13. *Tree Preservation.* The layout of the Neighborhood Commercial Area shall be designed in such a manner as to maximize preservation of existing trees on the site. Additionally, the existing tree clusters shall:

- a. Serve as a focal point of the site design;
- b. Utilized as either public or private open space; and
- c. Be designed with features and amenities that are conducive to public gathering.

14. *Design Integration.*

- a. A site development applicant shall demonstrate:
 - 1. How the design of a proposed development can be integrated with the remainder of the Area in compliance with the Town Center Code and Regulating Plan: and
 - 2. Perform to the standards set forth in this Division.
- b. The Commission shall have the authority to determine compliance with such standards.

D. **Parking Regulations.** All parking requirements shall be in accordance with current Code of Ordinances , with the following exceptions:

- 1. *Required Parking.* The required parking for a use may be located anywhere in the Neighborhood Commercial Area. Community parking facilities are encouraged.
- 2. *Shared Parking and Adjacent On-Street Parking.* Any shared parking or adjacent on-street parking may apply toward the minimum parking requirements.
- 3. *Alleys.* Parking in Alleys is Prohibited.
- 4. *Bicycle Parking.* Convenient bicycle parking shall be provided for employees and customers in accordance with the existing provisions required for a (GB) General Business Zoning District .

E. **Access to Mixed Residential Area.** Public access between the Mixed Residential Area and the Neighborhood Commercial Area shall be incorporated into the site design of the Neighborhood Commercial Area.

Sec. 11.02.02.09 Restrictive Covenants

A. **Filing Required.** Conditions, covenants, and restrictions for the Mixed Residential Area, the Town Center Area 1, the Town Center Area 2, and the Neighborhood Commercial Area shall be filed in the county real property records before a:

- 1. Final plat may be approved;
- 2. Lot is sold; or
- 3. Building permit issued.

- B. **Requirements for Proper Filing.** The conditions, covenants, and restrictions shall:
- a. Create one, or more Property Owners Associations (POA) with mandatory membership for each property owner;
 - b. Provide for the ownership, development, management, and maintenance of private open space;
 - c. Be effective for a term of not less than 50 years;
 - d. Require that the Property Owners Association obtain the approval of the Administrator regarding
- a. The disposition and management of Private Open Space before it may be dissolved; and
 - b. Amendments to the Conditions, Covenants, and Restrictions, which relate to provisions of this Division.

Sec. 11.02.02.10 Development Procedures

- A. **Generally.** Preliminary plans and final plats will follow the same procedures as conventional projects, but the City will expedite review of such.
- B. **Regulating Plan.** The Regulating Plan, which also constitutes the Concept Plan:
1. Includes the Mixed Residential Area, the Town Center Area 1, the Town Center Area 2, and the Neighborhood Commercial Area on one plan which also constitutes the concept plan.
 2. Reflects a general projection of land uses to be representative of the mixture of land uses, their locations and their approximate intensities.
 3. Shall contain the following general information:
 - a. Location and sizes of the Mixed Residential Area, the Town Center Area 1, the Town Center Area 2, and the Neighborhood Commercial Area;
 - b. A general description of land use categories and intensities;
 - c. Locations of civic uses;
 - d. Location and size of Limited Commercial Overlay areas in the Mixed Residential Area;
 - e. General layout of the major transportation network, including street types in accordance with this Town Center Code ;
 - f. Approximate locations and sizes of private open space and public open space;
 - g. General locations of retention ponds;
 - h. Location of the retail frontage street within the Town Center Area 1; and
 - i. General locations of traffic calming measures.
- C. **Site Development and Subdivision Review.**
1. *Conceptual Design Review.* The approval process for conceptual design review shall include review of the following:
 - a. A bubble plan for the site; and
 - b. Comprehensive design elements of the structures and site, including, but not limited to the following:
 1. Elevations;
 2. Building materials;
 3. Fenestration;
 4. Environmental graphics;

5. Public art;
 6. Public amenities;
 7. Landscaping and tree preservation;
 8. Streetscape amenities (including the ratio of building height to width of the street);
 9. Relationship to adjacent uses; and
 10. Vertical integration of uses.
2. *Site Plan Review.* A site plan review will be required for the Town Center Area 1, the Town Center Area 2, and the Neighborhood Commercial Area.
 3. *Consolidated Review.* Subdivision and site plan review of the Town Center Area 1 and the Neighborhood Commercial Area shall be a consolidated review process.
 - a. Subdivision review and approval shall occur concurrently with site plan review and approval.
 - b. Additional and/or revised zoning standards may be considered by the City Council prior to site plan and subdivision approval.
 - c. Replatting is permitted subsequent to such approvals if in compliance with the Ordinance and the approved site plan.

D. Revisions to the Town Center Code.

1. *Minor Revisions.* The Administrator may approve minor revisions to the Town Center Code if the Administrator determines that there are no adverse effects to:
 - a. Areas that are part of a final plat; or
 - b. The overall intent of the Town Center Code .
 - c. The following shall be considered as minor revisions:
 1. The size or configuration of a Town Center Area, Town Center Area 2, Neighborhood Commercial Area or Mixed Residential Area may be revised if the Administrator determines that the basic layout of the District remains the same and the Regulating Plan functions as well as before the revision.
 2. Land uses and land use intensities designated on the Regulating Plan may be revised so long as the basic layout of the District remains the same and the Regulating Plan functions as well as before the revision.
 3. The location or size of a Civic Use may be revised if the Administrator determines that the revised location or size is appropriate.
 4. The location of a commercial use in a Mixed Residential Area may be revised if the Administrator determines that the revised location is appropriate.
 5. The location of Public Open Space, including Parkland dedication, may be revised if the Administrator determines that the revised location is appropriate.
 6. The locations of major utility facilities and easements may be revised if the Administrator determines the revised locations are more functional or appropriate.
 7. The location, classification and frontage type of streets may be modified if such modifications are deemed to be appropriate by the Administrator.
 8. Other adjustments to the Regulating Plan that the Administrator deems a minor revision.
 9. Allowing front-loaded Single-Family Attached Residential and Single-Family Detached Residential (that is, not requiring an Alley) within reasonable criteria which address density, adequate on-site parking, and site engineering considerations.

10. Minor changes which do not substantially change the Town Center Code or the Regulating Plan, may be approved administratively, if approved in writing, by the Administrator.
2. *Major Revisions.* Any major revision or change to the Town Center Code and/or the Regulating Plan which is not categorized as a "minor revision" above or otherwise deemed a "minor revision" by the Administrator shall be approved following the City's procedure for a zoning change. Adding land area to the District is considered a major revision.
3. *Notice.* Any required notification of surrounding property owners for major revisions to the Regulating Plan and/or the Town Center Code shall be limited to notification of property owners within two hundred (200) feet of the boundaries of the specific lot or parcel that is subject to the revision and shall not apply to the District or Area as a whole. No notification shall be required for minor revisions to either the Town Center Code or the Regulating Plan.

E. Appeals.

1. *Administrator Appeal.* Any applicant aggrieved by a finding or action of the Administrator or another City Departmental Director which is lawfully subject to review pursuant to the Town Center Code shall appeal to the Commission within 30 days from the day of such finding or action, and not thereafter.
2. *Planning Commission Appeal.* Any applicant aggrieved by a finding or action of the Commission which is lawfully subject to review by the City Council shall appeal to the City Council within thirty (30) days from the day of such findings or action, and not thereafter.
3. *Appeal to Court.* Nothing in this Subsection shall prevent a right of review by a court of competent jurisdiction.

Sec. 11.02.02.11 Definitions

For the purposes of this Town Center Code (Town Center), the following terms, phrases, words, and their derivations shall have the meaning ascribed to them in this Division [11.02.02, Town Center Code](#).

Apartment House and Apartments: A building, or portion thereof, which is designed or occupied as the home or residence of more than two households living independently of each other and doing their own cooking in the building, and includes flats and other multifamily dwellings.

Area: Area may refer to the Town Center Area, Town Center Area 2, Neighborhood Commercial Area, or the Mixed Residential Area.

Arts and Crafts Workshop: Places associated with artistic endeavors such as but not limited to a painter's studio and sculptor's gallery. Artistic endeavors are limited to those uses that do not emanate excessive noise; noxious fumes; or vibrations.

Boutique Retail: Small-scale shops with less than 2,500 square feet of gross floor area such as an antique store or art gallery.

Civic Uses: The use of a parcel of land for one or more of the following purposes:

- Administrative and business offices used by a governmental entity;
- Park and recreation services;
- College and university;
- Cultural services;
- Postal facility usage;
- Private and public primary and secondary educational uses;

- Public assembly use;
- Safety and medical services; and
- Transportation terminal uses.

Corner Grocery: Grocery or specialty food store with no more than 2,500 square feet of gross floor area.

CPTC Development Agreement: An agreement by and between the City of Cedar Park and V-S Cedar Park, Ltd., dated December 20, 2001, as amended by the First Amendments to [the] Development Agreement, executed by and among the City, VSCP, and Continental Homes of Texas, L.P. ("Continental"), dated May 15, 2003, and as further amended by the Second Amendment to [the] Development Agreement executed by and among the City, VSCP, and Continental executed concurrently with or pursuant to the adoption of this Town Center Code.

Environmental Graphics: Signage and graphics used in an exterior setting for identifying uses, providing direction and information and for decorative purposes, including banners and flags, and whether for temporary or permanent display.

Facade Wall: Any separate face of a building, including parapet walls and omitted wall lines, or any part of a building that encloses usable space. Where separate faces are oriented in the same direction, or in a direction within 45 degrees of one another, they are considered as part of a single facade wall.

Front Facade: The side of the building that provides the primary entrance into the building.

Front Facade Wall: The Facade Wall containing the primary entrance to the building. If two or more Facade Walls have entrances of equal significance, each facade wall will be considered a "Front Facade Wall."

Home Office: Office with home owner as the sole business proprietor with no employees

Limited Commercial Overlay: Areas within the Mixed Residential Area, which are designated on the Regulating Plan, that allows for development of (or for conversion at a later time of existing residential uses), Limited Lodging, Limited Office, and/or Limited Commercial use, as defined in this Town Center Code.

Limited Food Service: Retail use including small cafes and coffee shops with no more than 2,500 square feet of gross floor area.

Limited Lodging: Buildings for short-term human habitation including bed and breakfast lodging establishments or guest cottages that are also owner occupied.

Low Maintenance Materials: Vinyl, painted wood, and wrought iron.

Mixed-Use: Any use of a lot or tracts of land for more than one permitted use.

Multifamily: Any use of lots or tracts of land on which three or more dwelling units are built within one building.

Neighborhood Commercial: Video rental stores, pharmacy, or clothes cleaning agency with no more than 2,500 square feet of gross floor area.

Open Space: A parcel or parcels of land or an area of water, or a combination of land and water, which may include floodplain and wetland areas, within a development area and intended for the use and enjoyment of residents of the development area and, where designated, the community at large.

Open Style Fence: A fence designed to enclose a private yard, which abuts a Park, Green or Alley. The required features of this fence include the ability to see through the fence [a minimum of forty percent (40%) of the fence surface area shall be open] and construction of low maintenance materials. Low maintenance materials include vinyl, painted wood or wrought iron.

Parkland: An open area, including improvements, which is dedicated to the City pursuant to this Town Center Code or Code of Ordinances, as applicable to meet City parkland dedication requirements.

Parcel: A generalized land unit of the Town Center, which is graphically portrayed on the Regulating Plan and is designated with a land use and intensity of use. A parcel may or may not be further subdivided during the subdivision process into lots and streets.

Plaza: A plaza is an open area adjacent to, or part of, a civic building or facility. Plazas function as gathering places and may incorporate a variety of temporary activities such as vendors and display stands. Landscaping for a Plaza contains durable pavement and includes formal tree plantings.

Property Owners Association: An organization made up of the property Owners in the area, which is responsible for maintenance of private streets, Alleys, and the Open Spaces not conveyed to the City, and which shall have the authority to make and collect assessments sufficient to operate and maintain private streets, Alleys and Open Spaces.

Rear Facade Wall: The Facade Wall containing service areas.

Regulating Plan: The general development plan for adoption of zoning and concept plan for the Cedar Park Town Center.

Residential Accessory Dwelling: An additional dwelling unit located:

1. within the principal dwelling structure of the lot;
2. in a freestanding building within the same lot as the principal dwelling structure; or
3. above a residential garage.

Residential Buffer Area: A portion of either the Town Center Area 1 or the Neighborhood Commercial Area which abuts or adjoins:

1. the Mixed Residential Area and which is within 40 feet of a lot upon which is built or may be built
 - a. a single-family attached residential building or
 - b. a single-family detached residential building; or
2. parkland;

Retail Frontage Street: The public street within the Town Center Area 1 designated on the Regulating Plan on which retail, restaurant, hotel, entertainment, and other commercial uses promoting public interaction and pedestrian activity are the intended uses.

Side Facade Wall: Any facade wall that is not a front facade wall or a rear facade wall.

Single-Family Attached Residential:

1. The use of a series of sites for
 - a. two or more dwelling units,
 - b. constructed with common or abutting walls; and
 - c. each located on a separate ground parcel within the total development site.
2. Condominiums and Townhouses can both be implemented as single-family attached residential.
3. Multifamily is not single-family attached residential.

Single-Family Detached Residential: The use of a lot for one dwelling unit with no common or abutting walls with another dwelling unit.

Studio Office: Office where there is no more than two employees.

Temporary Construction Site Office: Temporary buildings used for uses incidental to construction work on the premises which shall be:

1. removed upon completion or abandonment of the construction work; and
2. for which no temporary living quarters shall be permitted.

Temporary Home Sales Office: Temporary office buildings used as a sales office for the development of a new subdivision or for construction purposes established and operated within a subdivision or a construction site.

Townhouse: A single-family attached residential dwelling, located on its own separate lot, having a common wall with or abutting one or more adjoining dwelling units in a townhouse group.

Townhouse Group: Two or more contiguous townhouses within a contiguous development.

Division 11.02.03 Land Uses

Sec. 11.02.03.01 Generally

The tables set out in this Division describe which land uses are a Permitted Use, Limited Use, Special Use, and Prohibited Use, as defined below.

Sec. 11.02.03.02 Legend

- A. **Using the Tables.** The tables in this Section list the applicable land uses in rows, organized by general land use category. The zoning districts are arranged in columns. Where rows and columns intersect, a letter indicates if the use is permitted, limited, special, or prohibited in the district, as set out below.
- B. **Symbols.** All the tables in this section use the following symbols:
1. "P" means that the land use is a Permitted Use. The use is permitted by the Administrator, as set out in Sec. 11.07.03.01, *Administrative Permits*.
 2. "L" means that the land use is a Limited Use, which is permitted and may be administratively approved by the Administrator, subject to:
 - a. The standards identified in Article, 11.03, *Development and Design Standards*;
 - b. The applicable limited use standards provided in Division, 11.02.04, *Limited and Special Uses*; and
 - c. The procedures set out in Sec. 11.07.03.01, *Administrative Procedures*.
 3. "S" means that the use is allowed only as a Special Use, which may be approved only after a public hearing and consideration by the Planning and Zoning Commission and a subsequent public hearing and determination by the City Council, and are subject to:
 - a. The standards identified in Article 11.03, *Development and Design Standards*;
 - b. The applicable special use standards for the specified use, as set out in Division, 11.02.04, *Limited and Special Uses*; and
 - c. The procedures set out in Sec. 11.07.03.02, *Public Meeting and Hearing Procedures*.
 4. "-" means that the use is a Prohibited Use in the specified zoning district.

Sec. 11.02.03.03 Residential Uses by Zoning District

**Table 11.02.03.03
Residential Uses by Zoning District**

Land Use	Standards Reference	Zoning Districts																		
		Agriculture	Residential					Nonresidential										Mixed Use Districts		Overlay District
			RA	SR	SU	UR	MF ¹	NB ²	LB	GB	PO	HC	LI	HI	H	PS	OG	OR	MU	
		Legend: P = Permitted; L = Limited; S = Special Use; - = Prohibited																		
Accessory Dwelling Unit	Sec. 11.02.04.04	L	L	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Apartment		-	-	-	-	L	-	-	-	-	-	-	-	-	-	-	-	P	L	P
Bed and Breakfast Facility	Sec. 11.02.04.04	L	-	-	-	-	L	-	-	-	-	-	-	-	-	-	-	L	L	L
Community Garden	Sec. 11.02.04.04	L	L	L	L	L	-	-	-	-	-	-	-	-	L	L	L	L	L	-
Community Home	Sec. 11.02.04.04	L	L	L	L	L	-	-	-	-	-	-	-	-	-	-	-	P	L	-
Dwelling, Duplex		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dwelling, Single-Family		P	P	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Group Day Care Home	Sec. 11.02.04.04	L	L	L	L	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Family Home	Sec. 11.02.04.04	L	L	L	L	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Home Occupation	Sec. 11.02.04.04	L	L	L	L	L	-	-	-	-	-	-	-	-	-	-	-	L	L	-
Industrialized Home	Sec. 11.02.04.04	L	L	L	L	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Manufactured Home	Sec. 11.02.04.04	L	L	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Mobile Home		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Townhome	Sec. 11.02.04.04	-	-	-	L	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Table Notes:

¹ Multifamily development shall only be permitted on tracts zoned MF as of the effective date of this ordinance.

² The following regulations apply to all uses in the NB District: 1) delivery hours for commercial uses, including private refuse pickup, shall be limited to a period from 7:00 a.m. to 6:00 p.m.; 2) hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.; and 3) All drive-through uses are prohibited.

Sec. 11.02.03.04 Non-Residential Uses by Zoning District

**Table 11.02.03.04
Non-Residential Uses by Zoning District**

Land Use	Standards Reference	Zoning Districts																			
		Agricultural	Residential				Nonresidential												Mixed Use District		Overlay District
			RA	SR	SU	UR	MF ¹	NB ²	LB	GB	PO	HC	LI	HI	H	PS	OG	OR	MU	PA	EC
	Legend: P = Permitted L = Limited S = Special Use - = Prohibited																				
Adult Day Care		-	-	-	-	-	P	P	-	P	-	-	-	P	-	-	-	-	-	-	
Agricultural Support Service		P	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	
Airport		-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	
Alcoholic Beverage Establishment	Sec. 11.02.04.04	-	-	-	-	-	L	L	L	L	L	L	L	-	-	-	-	L	L	L	
Alcoholic Beverage Sales, Off-Site Consumption	Sec. 11.02.04.04	-	-	-	-	-	-	L	L	-	L	-	-	-	-	-	-	L	L	L	
Amenity Center		P	P	P	P	P	-	-	-	-	-	-	-	-	-	-	-	P	P	-	
Animal Grooming	Sec. 11.02.04.04	-	-	-	-	-	L	L	P	-	P	P	P	-	-	-	-	L	L	-	
Animal Veterinary Service, Large Animal	Sec. 11.02.04.04	-	-	-	-	-	-	-	-	-	-	L	L	-	-	-	-	-	-	-	
Animal Veterinary Service, Small Animal	Sec. 11.02.04.04	-	-	-	-	-	-	L	P	-	P	P	P	-	-	-	-	S	-	-	
Apiary		P	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	
Archery Range / Paintball Course	Sec. 11.02.04.04	-	-	-	-	-	-	-	-	-	-	-	L	-	L	-	L	-	-	-	
Art Studio, Gallery		-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-	P	P	P	
Assisted Living, Congregate or Respite Care		-	-	-	-	S	-	-	-	-	-	-	-	P	-	-	-	S	-	-	
Automobile, Major Repair and Service		-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	
Automobile, Minor Service	Sec. 11.02.04.04	-	-	-	-	-	-	-	L	-	P	-	-	-	-	-	-	-	-	-	
Automobile, Rental	Sec. 11.02.04.04	-	-	-	-	-	-	-	L	-	P	-	-	-	-	-	-	-	-	-	
Automobile, Sales		-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-	
Bank, Credit Union, and	Sec. 11.02.04.04	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	L	L	-	

**Table 11.02.03.04
Non-Residential Uses by Zoning District**

Land Use	Standards Reference	Zoning Districts																			
		Agricultural	Residential				Nonresidential												Mixed Use District		Overlay District
			RA	SR	SU	UR	MF ¹	NB ²	LB	GB	PO	HC	LI	HI	H	PS	OG	OR	MU	PA	EC
	Legend: P = Permitted L = Limited S = Special Use - = Prohibited																				
Financial Institution																					
Broadcasting Center	Sec. 11.02.04.04	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	-	-	-	-	
Bus or Taxi Depot/Transit Station		-	-	-	-	-	-	-	-	-	P	-	P	-	P	-	-	-	-	-	
Caretaker or Guard Residence	Sec. 11.02.04.04	-	-	-	-	-	-	-	-	-	L	L	L	-	-	-	-	-	-	-	
Car Wash	Sec. 11.02.04.04	-	-	-	-	-	-	-	L	-	L	-	-	-	-	-	-	-	-	-	
Cemetery / Columbarium		-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	
Child Day Care, Incidental	Sec. 11.02.04.04	-	-	-	-	-	L	L	L	L	L	L	L	L	L	-	-	L	L	-	
Civic Club		-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	-	P	P	-	
College, University or Vocational School	Sec. 11.02.04.04	-	-	-	-	-	-	L	P	P	P	P	P	P	P	-	-	P	P	-	
Commissary		-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	-	-	-	-	
Concrete, Mortar, and Asphalt Batching Operations, Permanent		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Construction Sales and Services	Sec. 11.02.04.04	-	-	-	-	-	-	-	-	-	L	L	P	-	-	-	-	-	-	-	
Contractor's Shop/Storage Yard		-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	
Craft Brewing / Distillery / Winery Production with On-Premise Consumption	Sec. 11.02.04.04	-	-	-	-	-	-	-	L	-	L	-	-	-	-	-	-	L	L	L	
Credit Access Business	Sec. 11.02.04.04	-	-	-	-	-	-	-	-	-	L	-	-	-	-	-	-	-	-	-	
Crematory		-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	
Day Care Center	Sec. 11.02.04.04	-	-	-	-	-	L	L	L	L	-	-	-	L	L	-	-	L	L	-	
Data Center		-	-	-	-	-	-	-	P	P	P	P	P	-	-	-	-	-	P	-	

**Table 11.02.03.04
Non-Residential Uses by Zoning District**

Land Use	Standards Reference	Zoning Districts																			
		Agricultural	Residential				Nonresidential												Mixed Use District		Overlay District
			RA	SR	SU	UR	MF ¹	NB ²	LB	GB	PO	HC	LI	HI	H	PS	OG	OR	MU	PA	EC
	Legend: P = Permitted L = Limited S = Special Use - = Prohibited																				
Drug Store	Sec. 11.02.04.04	-	-	-	-	-	L	L	P	P	-	-	-	P	-	-	-	L	L	-	
Extraction (Gas, gravel, minerals, oil, or sand)	Sec. 11.02.04.04	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	
Farm / Ranch		P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Flea Market		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Food Processing	Sec. 11.02.04.04	-	-	-	-	-	-	-	-	-	L	L	L	-	-	-	-	-	-	-	
Fortune Teller/Psychic	Sec. 11.02.04.04	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-	
Funeral Home, Chapel, or Mortuary		-	-	-	-	-	-	-	P	-	P	-	-	-	-	-	-	-	-	-	
Gasoline Service Station	Sec. 11.02.04.04	-	-	-	-	-	-	-	L	-	L	-	-	-	-	-	-	-	-	-	
Government Facility (Outdoor Operations)		-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	P	-	
Government Office		-	-	-	-	-	P	P	P	P	P	P	P	P	P	-	-	P	P	P	
Grocery	Sec. 11.02.04.04	-	-	-	-	-	L	L	P	-	P	-	-	-	-	-	-	L	L	L	
Head Shop		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Heavy Industry		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Heliport (Accessory)		-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	P	-	
Hospital Service		-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	
Hotel	Sec. 11.02.04.04	-	-	-	-	-	-	-	L	-	-	-	-	-	-	-	-	L	L	L	
Indoor Arena or Theater		-	-	-	-	-	-	-	P	-	P	-	-	-	P	-	P	P	P	P	
Indoor Commercial Amusement		-	-	-	-	-	-	P	P	-	P	-	-	-	-	-	-	P	P	P	
Kennel		-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	
Landfill (Disposal)		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Laundromat		-	-	-	-	-	-	P	P	-	P	P	-	-	-	-	-	P	P	-	
Lumberyard, Wholesale		-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	
Manufactured Home Sales		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	

**Table 11.02.03.04
Non-Residential Uses by Zoning District**

Land Use	Standards Reference	Zoning Districts																			
		Agricultural	Residential				Nonresidential												Mixed Use District		Overlay District
			RA	SR	SU	UR	MF ¹	NB ²	LB	GB	PO	HC	LI	HI	H	PS	OG	OR	MU	PA	EC
	Legend: P = Permitted L = Limited S = Special Use - = Prohibited																				
Manufacturing and Fabrication, General		-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	
Manufacturing and Fabrication, Light		-	-	-	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-	
Medical Clinic		-	-	-	-	-	-	P	P	P	-	-	-	P	-	-	-	-	-	-	
Medical Office		-	-	-	-	-	P	P	P	P	P	-	-	P	-	-	-	P	P	-	
Mobile Food Establishment Court		-	-	-	-	-	-	S	S	-	-	-	-	-	-	-	-	S	S	-	
Non-Emergency Transport Service		-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	-	-	-	-	
Nursery / Greenhouse, Retail		-	-	-	-	-	-	-	L	-	P	P	-	-	-	-	-	-	-	-	
Nursery / Greenhouse, Wholesale	Sec. 11.02.04.04	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-	
Nursing or Convalescent Home		-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	S	-	-	
Office, General		-	-	-	-	-	P	P	P	P	P	P	P	P	P	-	-	P	P	-	
Office/Showroom/Warehouse		-	-	-	-	-	-	-	P	-	P	P	P	-	-	-	-	-	-	-	
Outdoor Arena, Stadium or Amphitheater	Sec. 11.02.04.04	-	-	-	-	-	-	-	-	-	S	-	-	-	P	-	P	S	S	P	
Outdoor Commercial Amusement	Sec. 11.02.04.04	-	-	-	-	-	-	-	-	-	S	S	-	-	-	-	-	S	S	-	
Outdoor Recreation (Athletic Fields/Facilities)	Sec. 11.02.04.04	L	L	L	L	L	-	-	-	-	-	-	-	-	P	-	P	L	L	P	
Outdoor Recreation (Park, Playground)		P	P	P	P	P	-	-	-	-	-	-	-	-	P	P	P	P	P	P	
Outdoor Storage / Sales or Display (Primary Use)		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	
Parking Garage (Primary Use)		-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	P	P	P	
Pawnshop		-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-	-	-	

Table 11.02.03.04
Non-Residential Uses by Zoning District

Land Use	Standards Reference	Zoning Districts																		
		Agricultural	Residential					Nonresidential											Mixed Use District	Overlay District
		RA	SR	SU	UR	MF ¹	NB ²	LB	GB	PO	HC	LI	HI	H	PS	OG	OR	MU	PA	EC
		Legend: P = Permitted L = Limited S = Special Use - = Prohibited																		
Personal Services		-	-	-	-	-	P	P	P	P	P	-	-	P	-	-	-	P	P	-
Place of Public Assembly		P	P	P	P	P	P	P	P	P	P	P	P	P	P	-	P	P	-	P
Power or Solid Waste Energy Recovery Plant		-	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-	-	-
Print Shop	Sec. 11.02.04.04	-	-	-	-	-	L	P	P	-	P	-	-	-	-	-	-	-	-	-
Private School (Grades K-12)		-	S	S	S	S	P	P	P	P	-	-	-	-	-	-	-	S	S	-
Public School (Grades K-12)		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	-
Recreational Vehicle Park		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-
Recreational Vehicle Sales and Service		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Recycling Processing and Collection		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Research, Testing Lab, or Product Development	Sec. 11.02.04.04	-	-	-	-	-	-	-	-	L	L	P	P	P	-	-	-	-	L	-
Restaurant, Dine-In Only	Sec. 11.02.04.04	-	-	-	-	-	L	L	L	L	-	-	-	L	-	-	-	L	L	L
Restaurant, Drive-In and Drive-Thru	Sec. 11.02.04.04	-	-	-	-	-	-	L	L	-	-	-	-	-	-	-	-	-	-	-
Retail Sales	Sec. 11.02.04.04	-	-	-	-	-	L	P	P	-	P	-	-	-	-	-	-	P	P	P
Salvage Facility and Yard		-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Self-Storage Facility	Sec. 11.02.04.04	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-
Sexually Oriented Business	Sec. 11.02.04.04	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-
Sport Shooting Range		-	-	-	-	-	-	-	-	-	-	S	S	-	S	-	-	-	-	-
Stone Cutting	Sec. 11.02.04.04	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-
Tattoo Parlor / Body Piercing Studio	Sec. 11.02.04.04	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-	-	-

**Table 11.02.03.04
Non-Residential Uses by Zoning District**

Land Use	Standards Reference	Zoning Districts																		
		Agricultural	Residential				Nonresidential											Mixed Use District		Overlay District
		RA	SR	SU	UR	MF ¹	NB ²	LB	GB	PO	HC	LI	HI	H	PS	OG	OR	MU	PA	EC
		Legend: P = Permitted L = Limited S = Special Use - = Prohibited																		
Tele-communications Facilities, Building Mounted	Sec. 11.02.04.04	-	-	-	-	-	-	-	L	L	L	L	L	L	L	-	-	L	L	L
Transportation Terminal	Sec. 11.02.04.04	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-
Utility Services, General		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utility Services, Major	Sec. 11.02.04.04	-	-	-	-	-	-	-	-	-	-	S	S	-	S	-	-	-	-	-
Warehouse and Distribution	Sec. 11.02.04.04	-	-	-	-	-	-	-	-	-	L	P	P	-	-	-	-	-	-	-
Wireless Tele-communications Facility		-	-	-	-	-	-	-	-	-	S	S	S	-	-	-	-	-	-	-
Wrecker, Impound Yard		-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-	-	-	-
Vending Kiosk		-	-	-	-	-	L	L	L	L	L	L	L	L	L	-	-	L	-	-
Table Notes:																				
¹ Multifamily development shall only be permitted on tracts zoned MF as of the effective date of this ordinance.																				
² The following regulations apply to all uses in the NB District: 1) delivery hours for commercial uses, including private refuse pickup, shall be limited to a period from 7:00 a.m. to 6:00 p.m.; 2) hours of operation shall be limited to 7:00 a.m. to 10:00 p.m.; and																				
³ All drive-through uses are prohibited.																				

Sec. 11.02.03.05 Temporary Uses

**Table 11.02.03.05
Temporary Uses by Zoning District**

Land Use	Standards Reference	Zoning Districts																	
		Rural / Residential				Nonresidential												Mixed Use Districts	Overlay District
		RA	SR	SU	UR	NB	LB	GB	PO	HC	LI	HI	H	PS	OG	OR	MU	EC	
Legend: P = Permitted L = Limited S = Special Use - = Prohibited																			
Model Home / On-Site Real Estate Office	--	L	L	L	L	-	-	-	-	-	-	-	-	-	-	-	-	-	
Portable Storage Units	--	L	L	L	L	L	L	L	-	L	L	-	-	P	L	L	L	L	
Temporary Construction Building	--	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
Temporary Construction Dumpster	--	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	L	
Temporary Construction Yard	--	-	-	-	-	-	-	-	-	L	L	L	-	-	-	-	-	-	

Sec. 11.02.03.06 Unlisted Similar Uses

A. Authorization of Unlisted Use.

1. The Administrator may authorize a use in a zoning district if:
 - a. A proposed use is not specified in Sec. [11.02.03.03](#), *Residential Uses by Zoning District*, Sec. [11.02.03.04](#), *Non-Residential Uses by Zoning District*, or Sec. [11.02.03.05](#), *Temporary Uses*; and
 - b. The Administrator has made a determination that the use is either a subcategory of or is functionally similar to a permitted, limited, special, or temporary use.
2. An authorized use under this Section shall comply with all regulations that apply to the use of which the authorized use is a subcategory or to which it is functionally similar.

B. **If Not Authorized Then Prohibited.** If the Administrator determines that a proposed use is not a subcategory of, or functionally similar to, a permitted, limited, special, or temporary use, then the use is a prohibited use.

C. **Decision Criteria.** The Administrator shall determine whether a proposed use is a subcategory of, or is functionally comparable to, a permitted, limited, special, or temporary use based on relevant considerations, including the following:

1. Nature of use and whether it involves dwelling units, sales, processing, storage, employment, etc.
2. Parking demand;
3. Average daily and peak hour trip generation (cars and trucks);
4. Noise;
5. Lighting;
6. Dust;
7. Odors;
8. Solid waste generation;
9. Potentially hazardous conditions, such as projectiles leaving the site;
10. Use and storage of hazardous materials;
11. Character of buildings and structures; and
12. Hours of operation.

Division 11.02.04 Limited and Special Uses

Sec. 11.02.04.01 Purpose

A. **Generally.** A limited (L) or special (S) use permit may be granted where authorized pursuant to Table [11.02.03.03](#), Table [11.02.03.04](#), and Table [11.02.03.05](#) to certain land uses that are not a Permitted Use in some or all zoning districts of the City, but are nevertheless recognized as being desirable to the full function and development of the City under appropriate circumstances and in conformity with the goals and objectives of the City's Comprehensive Plan. Limited and special use permits shall provide a means whereby proposals for such land uses may be examined on a case-by-case basis to determine whether, and under what conditions, these uses may be permitted.

B. **Purpose.** The purpose of this Division is to promote compatibility among land uses in the City by:

1. Enacting specific standards for the establishment of Limited Uses which are indicated in the use tables in Division [11.02.03, Land Uses](#). The Limited Use approval process set out in Division [11.07.03, Permits and Procedures](#), allows for certain land uses to be granted administrative approval subject to the standards and conditions set out in [Sec. 11.02.04.04, Limited and Special Use Standards and Conditions](#).
2. Developing a set of Special Uses which may only be approved following a public hearing and recommendation by the Planning and Zoning Commission and a subsequent hearing and decision by the City Council. The Special Use approval process set out in Division [11.07.03, Permits and Procedures](#), allows for certain land uses that are not permitted by right to be granted approval in some zoning districts subject to the standards and conditions set out in [Sec. 11.02.04.04, Limited and Special Use Standards and Conditions](#).

Sec. 11.02.04.02 Applicability

- A. **Generally.** Uses shown as limited "L" or special "S" may be approved only if they meet the standards of this Division and all other applicable standards and requirements of this Chapter and the Code of Ordinances.
- B. **Limitations on Special Use Permits.**
 1. *Period of Validity.* No special use permit shall be valid for a period longer than one year from the date of issuance unless a subsequent development permit is issued and is thereafter pursued to completion.
 2. *Applicable Use and Expiration.* A special use permit shall be deemed to authorize only the particular use for which it was issued, and such permit shall automatically expire and cease to be of any force or effect if such use shall, for any reason, be discontinued for a period of six consecutive months or more.
- C. **Procedures.** The procedures for obtaining a limited or special use permit are set out in Division [11.07.03, Permits and Procedures](#).
- D. **Uses Not Listed.** If there are special uses identified in Division [11.02.03, Land Uses](#), that are not included in this Division, all applicable standards of this Ordinance and all conditions of approval that may be recommended by the Planning and Zoning Commission and determined by the City Council shall apply.

Sec. 11.02.04.03 General Standards

- A. **Requirements for All Limited and Special Uses:**
 1. Demonstration that there will be a general compatibility and appropriateness of the use in relationship to nearby properties and uses, including consideration of lighting, signage, traffic and hours of operation, screening/buffering, landscaping, noise/odors, and other factors.
 2. Full compliance with the goals and objectives of the City's Comprehensive Plan; and
 3. Full compliance with all applicable standards of this Division.
- B. **Approval Required.** An application for limited use approval shall be approved if the proposed use meets the requirements of subsection (A).
- C. **Standards for All Special Uses.** An application for a special use permit may be recommended by the Planning and Zoning Commission and approved by the City Council if, in addition to the specific standards of this Division that apply to the use, it is demonstrated that such use meets the following criteria in determining the validity of the request:
 1. The use is harmonious and compatible with its surrounding existing and proposed uses;

2. The activities requested by the applicant are normally associated with the requested use;
3. The use does not present undue danger or risk to public health, safety and welfare; and
4. Any impacts on the surrounding area have been reasonably mitigated.

D. Conditions on Special Uses.

1. The Planning and Zoning Commission may recommend and the City Council may impose such conditions upon the premises which benefits by a special use permit as may be necessary to prevent or minimize adverse effects upon other property in the neighborhood; provided, however, that such conditions shall not be used as a device to grant a permit for a special use which is intended to be temporary in nature. Such conditions shall be expressly set out in the ordinance authorizing the special use and in the permit. Violation of such conditions shall be a violation of this Ordinance.
2. Where the district regulations authorizing a special use in a particular district impose additional standards to be met by such use, a special use permit for such use and in such district shall be granted only if evidence is presented to establish compliance with such additional standards.
3. *Enlargements, Modifications, or Alterations.* A building, premise, or land used under a special use permit may be enlarged, modified, structurally altered, or otherwise changed provided the changes do not:
 - a. Increase the height of structures, including, without limitation, antenna support structures;
 - b. Increase the gross floor area of the building from its size at the time the original special use permit was granted by greater than 10 percent;
 - c. Reduce the distance between a building or noise-generating activity on the property and an adjacent, off-site residential use; or
 - d. Reduce the amount of open space as indicated on the previously approved special use permit.
4. *Requirement for a New Special Use Permit.* All other enlargements, modifications, structural alterations, or changes other than those outlined in Subsection D.3., above, shall require the approval of a new special use permit.

E. Ordinance Required. Such conditions shall be expressly set out in an ordinance by City Council authorizing the special use.

F. Violations. Any violation passed as a condition of a special use approval process shall be a violation of this Ordinance.

Sec. 11.02.04.04 Limited and Special Use Standards and Conditions

The following uses that are set out in [Division 11.02.03, Land Uses](#), are permitted as a limited use or may be considered as a special use if the following requirements are met:

- **Accessory Dwelling Unit**, is permitted if:
 - Accessory to a residential dwelling unit, but not a manufactured home;
 - Located on the same lot as the single-family dwelling and in a detached building; and
 - All requirements of [Sec. 11.04.02.02, Accessory Dwelling Units](#), are met.
- **Adult Day Care**, is permitted if:
 - The use does not involve overnight lodging; and
 - The operator for the use meets all certification, licensing, and/or monitoring requirements as per Chapter 103, *Day Activity and Health Services* of the Texas Human Resources Code, as amended from time to time.

- **Alcoholic Beverage Establishment**, is permitted if:
 - The use complies with the Texas Alcoholic Beverage Code, as amended;
 - Pursuant to Sections 109.33, 109.331 and 109.57 of the Texas Alcoholic Beverage Code, as amended, the use:
 - is not located within 300 feet of a church, public hospital, public school, private school, and/or day-care center or child-care center , measured in a direct line from the property line of the applicable use listed above to the property line of the alcoholic beverage establishment, and in a direct line across intersections, if the establishment derives less than 75 percent of it's revenue from the on-premise sale of alcoholic beverages;
 - is not located within 1,000 feet of a church, public hospital, public school, private school, and/or day-care center, child-care center, or single family residential zoning district, measured in a direct line from the property line of the applicable use listed above or the nearest single family residential zoning district to the property line of the alcoholic beverage establishment, and in a direct line across intersections, if the establishment derives 75 percent or more of it's revenue from the on-premise sale of alcoholic beverages;
- **Alcoholic Beverage Sales, Off-Site Consumption**, is permitted if:
 - The use complies with the Texas Alcoholic Beverage Code, as amended; and
 - The use is not located within the following:
 - 300 feet from a church, public school, private school, and/or public hospital, provided however, that alcoholic beverage sales may be located within 300 feet of a private school if minors are prohibited from entering the place of business, as required by Section 109.53, Texas Alcoholic Beverage Code, as amended from time to time; or
 - Measurement of the distance between the place of business engaged in alcoholic beverage sales and the church or public hospital is measured along the property line of the street fronts, from front door to front door, and in a direct line across intersections. Measurement for the distance between the place of business engaged in alcoholic beverage sales and a public or private school is:
 - In a direct line from the property line of the public or private school to the property line of the place of business, and in a direct line across intersections; or,
 - If alcoholic beverage sales are located on or above the fifth story of a multistory building, in a direct line from the property line of the public or private school to the property line of the place of business, in a direct line across intersections, and vertically up the building at the property line to the base floor on which alcoholic beverage sales are located.
 - In accordance with Section 109.33, Texas Alcoholic Beverage Code, as amended from time to time, “private school” means a private school, including a parochial school, that:
 - Offers a course of instruction for students in one or more grades from kindergarten through grade twelve; or
 - Has more than 100 students enrolled and attending courses at a single location.
 - If at any time an original alcoholic beverage permit or license is granted by the Texas Alcoholic Beverage Commission to an establishment, place of business, or person and the establishment, place of business or person satisfies the requirements regarding the distance requirements noted above, then the same is deemed to satisfy the distance requirements for all subject renewals of the license or permit, which shall not be the case if the Texas Alcoholic Beverage Commission revokes the license or permit.
- **Animal Grooming**, is permitted if:

- No operations, including dog runs or recreation areas, are conducted outdoors;
 - The use is located less than 100 feet from any residential zoning district, the building is sound attenuated such that the sound is not audible at the residential property line; and
 - The use is located in a multi-tenant building, ventilation systems are installed to prevent odors and allergens from circulating to other parts of the building.
- **Animal Veterinary Services, Large Animal**, is permitted if:
 - The use is located less than 100 feet from any residential zoning district;
 - The building is sound attenuated such that the sound is not audible at the residential property line;
 - All docks and animal shoots shall be placed in an interior or rear yard provided that such yard does not face a public street or a residential zoning district; and
 - The use is located in a multi-tenant building, ventilation systems are installed to prevent odors and allergens from circulating to other parts of the building.
 - **Animal Veterinary Services, Small Animal**, is permitted if:
 - No operations, including dog runs or recreation areas, are conducted outdoors;
 - The use is located less than 100 feet from any residential zoning district, the building is sound attenuated such that the sound is not audible at the residential property line; and
 - The use is located in a multi-tenant building, ventilation systems are installed to prevent odors and allergens from circulating to other parts of the building.
 - **Archery Range / Paintball Course**, is permitted if:
 - The minimum area of the parcel proposed for development is:
 - Archery Range: One acre;
 - Paintball Course: 30 acres;
 - Archery ranges and paintball courses are spaced from residential zoning districts, schools, places of public assembly, day cares, and parks used for active recreation by the following distances, which shall be measured along a straight line between the closest property lines as specifies below:
 - Paintball course: 500 feet;
 - Archery range: 150 feet;
 - Paintball courses shall not be combined with a skeet course, shooting range, or archery range; and
 - The use is designed to prevent projectiles from leaving the parcel proposed for development.
 - **Automotive, Minor Service**, is permitted if:
 - All service and repairs are performed within a fully-enclosed building;
 - There is no storage of wrecked or inoperable vehicles within or outside of the facility;
 - There is no permanent outdoor storage of materials, merchandise, and equipment;
 - Automobile bays are located perpendicular to the public right-of-way;
 - Temporary displays of merchandise, such as tires, must be brought back into the building prior to daily closure of the business; and
 - Access is taken from a collector or arterial street.
 - **Automobile, Rental**, is permitted if:

- All permanent storage of material, merchandise, and equipment, including wrecked vehicles and excluding the display of vehicles for rent, are stored in areas screened from view;
- Access is taken from a collector or arterial street; and
- The office space is no larger than 3,000 square feet.
- **Bank, Credit Union, and Financial Institution**, is permitted if the drive-through facilities are:
 - Prohibited in the Mixed Use (MU) district;
 - Not adjacent to or within 100 feet of a residential zoning district; and
 - Permitted as a secondary use only.
- **Bed and Breakfast Facility**, is permitted if:
 - The property owner occupies the residence;
 - The rental of rooms is on a daily or weekly basis to tourists or vacationers, for which the rental period does not exceed 14 consecutive days in any 30 day period for any such tourist or vacationer;
 - There is no food preparation or use of food preparation appliances or devices in any guest room;
 - No meals shall be served to the general public;
 - There are no more than five guest rooms;
 - Each guest room has access to a hall or exterior door;
 - The principal use of the home is as a single-family residence, with an accessory use for temporary or overnight lodging;
 - No dwelling is used as a bed and breakfast until it has been permitted by the Williamson or Travis County Health Department; and
 - No other bed and breakfast is located within a one mile radius of the property.
- **Broadcasting Center**, is permitted if:
 - The use is an accessory use within the Cedar Park Center; and
 - Any roof-mounted equipment shall extend no more than 10 feet above the rooftop.
- **Caretaker or Guard Residence**, is permitted if:
 - The use is an accessory use to the principal use of the property; and
 - The residence is designed to complement the architecture of the principal use.
- **Car wash**, is permitted if:
 - It is full service, meaning attendants are present;
 - It is not an automatic or self-serve (coin operated) car wash;
 - There are no more than three car bays;
 - All mechanical equipment, excluding vacuum units is enclosed within a building;
 - All facilities are designed and configured such that any outdoor spraying preparation or drying activities are directed away from any abutting residential use or district;
 - Bay access is oriented to prevent headlights from shining onto any street or abutting residential use or district;
 - Self service vacuums are permitted. If self service vacuums are provided, a minimum of one parking space is required, which will not interfere with site circulation, driveways, or fire lanes;
 - Accessory equipment (e.g. vacuum facilities) is set back at least 20 feet from all property lines;
 - Access is taken from a collector or arterial street; and

- A water recycling system is applied to all full-service vehicle wash facilities, which is equipped with, and maintained in operation, a water recycling system that will recycle not less than 50 percent of the water being used by the facility, and for existing automobile wash facilities, such system is required as a condition of any permit to:
 - Expand the floor area of the vehicle wash facility building by more than 50 percent of the area of the vehicle wash facility building as it existed on the effective date of this Ordinance;
 - Demolish, destroy or remove and then replace more than 50 percent of the floor area of the vehicle wash facility building as it existed on the effective date of this Ordinance, except for the purpose of replacing or repairing water recycling equipment; or
 - Enlarge the water tap, meter, or service line.
- **Child Day Care, Incidental**, is permitted if:
 - The use is completely contained within the primary use;
 - The use shall not constitute more than fifteen percent of the primary use;
 - The operating hours are the same as the primary use and shall not include overnight lodging, medical treatment, counseling, or rehabilitative services.
 - The operator for the use meets all certification, licensing, and/or monitoring requirements as per Chapter 42, *Registration of Certain Facilities, Homes, and Agencies that Provide Child-Care Services*, of the Texas Human Resources Code, as amended from time to time.
- **College, University, or Vocational School**, is permitted if circulation and parking plans are submitted to and approved by the City, which demonstrate that:
 - Parking will be accommodated on campus or in parking lots adjacent to or near the campus so as to preserve the traffic carrying capacity of local streets for the purpose of public safety, as well as to preserve the character and value of the surrounding neighborhoods.
 - On-campus circulation includes improvements that provide for the mobility and safety of pedestrians and bicyclists; and
 - Access to parking areas for more than 50 vehicles and to service areas is from a collector or arterial street or service road; and
 - Peak traffic impacts to the adjacent rights-of-way are mitigated to allow the rights-of-way to function at an acceptable level of service that is no greater than one level worse than the traffic conditions that existed prior to establishment of the use.
- **Community Garden**, is permitted if:
 - The garden is established on a private or publicly-owned parcel for the cultivation of fruits, vegetables, plants, flowers, or herbs, which may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of a group, and may include common areas maintained or used by group members;
 - The garden site users:
 - Comply with all Federal, State, and local laws and ordinances related to pesticide, herbicide application, chemical storage, and water usage that relates to the operation, use, and enjoyment of the garden premises;
 - Do not introduce heavy metals or other harmful contaminants; and
 - Maintain the site so that fertilizer will not drain onto adjacent property or pose any health or life safety issue;

- The installation and use of ancillary structures are subject to the requirements of the zoning district in which the garden is located and all applicable building and fire code requirements, which includes:
 - Benches, bike racks, compost or waste bins, picnic tables, and children's play areas;
 - Cold frames in which plants are cultivated;
 - Hoop houses and greenhouses; and
 - Sheds for storage of tools.
- Compost materials are stored at least 20 feet from all adjacent property lines in a manner that controls odors, prevents infestation, and prohibits runoff onto adjacent properties;
- All seed, fertilizer, and animal feed is stored in sealed, rodent-proof containers and housed in an enclosed structure; and
- The land is served by a water supply sufficient to support the cultivation practices on site.
- **Community Home**, is permitted if, the proposed home complies with all regulations of Chapter 123, *Community Homes for Persons with Disabilities*, of the Texas Human Resources Code, as amended from time to time.
- **Construction Sales and Services**, are permitted if:
 - Liquids, gels, and pastes (e.g., paints, sealers, etc.) are stored only in enclosed buildings;
 - There is no storage of explosives;
 - There is storage of no more than 50 gallons of motor fuel; and
 - There is no disposal of inoperable machines or wastes.
- **Craft Brewing / Distillery / Winery Production with On-Premise Consumption**, is permitted if:
 - The use complies with the standards set out for Alcoholic Beverage Establishments, above; and
 - The area devoted to on-site consumption must utilize at least 25 percent of the gross floor area.
- **Credit Access Business** is permitted if:
 - The use is located in a stand-alone building; and
 - It is located at least 1,000 feet from another credit access business, measured in a straight line between the nearest points of each business.
- **Day Care Center**, is permitted if:
 - The use does not involve overnight lodging, medical treatment, counseling, or rehabilitative services; and
 - The operator for the use meets all certification, licensing, and/or monitoring requirements as per Chapter 42, *Registration of Certain Facilities, Homes, and Agencies that Provide Child-Care Services*, of the Texas Human Resources Code, as amended from time to time.
- **Drug Store**, is permitted if:
 - The gross floor area of the building is no larger than 18,000 square feet; and
 - Drive-thrus are prohibited.
- **Extraction** (gas, gravel, minerals, oil, or sand), may be considered if:
 - The hours of operation are restricted to 7:00 AM to 6:00 PM, weekdays;
 - The extraction use is not located closer than 1,320 feet to any residential or educational occupancy; and
 - The site is not within the cone of influence around a wellhead.

- **Family Home** is permitted if:
 - No person other than a family member who resides in the dwelling unit may be employed on site;
 - Overnight care is prohibited;
 - The residential character of the lot and the dwelling unit is maintained, meaning that neither the interior nor the exterior of the dwelling are structurally altered so as to require compliance with nonresidential construction codes to accommodate the home occupation;
 - No additional buildings are added on the property to accommodate the home occupation;
 - The family home is not advertised by any signs on the premises, nor shall the street address of the family home be advertised through signs, billboards, television, radio, or newspapers;
 - There is adequate space for temporary parking, drop off, and pick up during peak times; and
 - The operator for the use meets all listing or certification requirements of the Texas Department of Family and Protective Services, as per Chapter 42 of the Texas Human Resources Code, as amended from time to time.
- **Food Processing**, is permitted provided that all operations and processes associated with the use are conducted completely indoors and do not result in any external environmental impacts.
- **Fortune Teller/Psychic**, may be considered if:
 - The use is not operated as an accessory use to an otherwise permitted use unless it is permitted by this Ordinance; and
 - The use is not conducted in any manner that permits the observation of any such services by display, signage, show window, or other opening from a public area.
- **Gasoline Service Station**, is permitted if:
 - No above-grade equipment for the service of gasoline, oil, air, or water (except irrigation systems) is closer than 10 feet to any public right-of-way, or 20 feet to the property line of a residential district;
 - Canopies shall be connected to or integrated into the architectural design of the building in terms of color, cladding, roofing and roof pitch, if provided;
 - No overnight storage of material, merchandise, and equipment is permitted, except:
 - Within the principal building; and
 - Refuse and trash is stored in closed containers and in an area screened from view at all points on any public or private property or street;
 - In the event the use is abandoned, all underground storage tanks and pumps shall be removed; and
 - Car washes, if accessory to the service station, shall direct vehicular circulation for the car wash facility away from the circulation for the rest of the site and a stacking lane for the car wash includes a twelve-foot wide "escape lane" to bypass the car wash.
- **Grocery**, is permitted if:
 - The gross floor area of the building is no larger than 20,000 square feet; and
 - Gasoline pumps and services are not permitted as an accessory use.
- **Group Day Care Home**, is permitted if:
 - No more than two persons other than a family members who resides in the dwelling unit may be employed on site;

- The residential character of the lot and the dwelling unit is maintained, meaning that neither the interior nor the exterior of the dwelling are structurally altered so as to require compliance with nonresidential construction codes to accommodate the home occupation;
 - No additional buildings are added on the property to accommodate the home occupation;
 - The group day care home is not advertised by any signs on the premises, nor shall the street address of the group day care home be advertised through signs, billboards, television, radio, or newspapers;
 - There is adequate space for temporary parking, drop off, and pick up during peak times; and
 - The operator for the use meets all licensing and/or monitoring requirements of the Texas Department of Family and Protective Services, as per Chapter 42 of the Texas Human Resources Code, as amended from time to time.
- **Home Occupation**, is permitted as an accessory to the principal residential use if:
- The owner or applicant is aware that the requirements of this subsection do not override private covenants, conditions, and restrictions that may prohibit the business use of the home.
 - The home occupation is conducted entirely within a dwelling unit that is the bona fide residence of the practitioners, or entirely within only one accessory garage building (not to include a carport or pole barn);
 - No person other than a family member who resides in the dwelling unit participates in the home occupation on the premises;
 - The residential character of the lot and the dwelling unit is maintained, meaning that neither the interior nor the exterior of the dwelling are structurally altered so as to require compliance with nonresidential construction codes to accommodate the home occupation;
 - No additional buildings are added on the property to accommodate the home occupation;
 - The home occupation does not generate customer-related vehicular traffic in excess of three vehicle trips per 24 hour day in the residential neighborhood;
 - No direct selling of merchandise occurs on the premises, provided however, that direct marketing is permitted;
 - No storage of equipment or materials is visible from the public right-of-way;
 - No highly explosive or combustible equipment or vehicles with more than tow axles are present on the property;
 - The home occupation is not advertised by any signs on the premises, nor shall the street address of the home occupation be advertised through signs, billboards, television, radio, or newspapers; and
 - The use is compatible with nearby uses and specifically does not include:
 - Animal training, grooming, breeding, and/or boarding;
 - Animal hospitals;
 - Clinics;
 - Contractors' yards;
 - Dance schools;
 - Hospitals;
 - Junk yards;
 - Lodging house uses;
 - Massage therapy;

- Tattoo and/or body piercing businesses;
 - Restaurants;
 - Rental outlets; or
 - Vehicle repair shops.
- **Hotel**, is permitted if:
 - External balconies are set back a minimum of 200 feet from any single family residential district;
 - All rooms are accessed through an internal hallway, lobby, or courtyard;
 - Hotel staff is on-site 24 hours a day;
 - There are at least five amenities provided from the list below:
 - Indoor/outdoor pool;
 - Conference room (1,000 square foot minimum);
 - Full service restaurant (minimum seating capacity of 35 seats);
 - Spa/sauna;
 - Weight room / fitness center;
 - Playground;
 - Sports court;
 - Game room; or
 - Jogging trail.
 - **Industrialized Home**, is permitted if:
 - The home complies with the design standards set out in [Sec. 11.03.06.02 Residential Development, Single and Two Family Dwellings](#) and [Sec. 11.03.06.04 Mixed Use Development, Manufactured and Industrialized Homes and Recreational Vehicles](#).
 - The home meets or exceeds all building code requirements that apply to other buildings concerning on-site construction;
 - The home is affixed to a permanent concrete slab or grade beam foundation;
 - The home is skirted with matching weatherized material if any space is exposed between the structure and the slab or ground;
 - The dwelling shall have either an attached or detached carport that can accommodate one passenger vehicle or a fully enclosed one-car garage.
 - Ancillary structures, such as garages, porches, car ports or stoops compliment the overall design of the industrialized home and complement other homes in the surrounding neighborhood; and
 - Per the Texas Occupations Code §1202.253, an industrialized home:
 - Has a value equal to or greater than the median taxable value for each single-family dwelling located within 500 feet of the lot on which the industrialized home is proposed to be located, as determined by the most recent certified tax appraisal roll for the county in which the property is located; and
 - Has exterior siding, roofing, roofing pitch, foundation fascia, and fenestration compatible with the single-family dwellings located within 500 feet of the lot on which the industrialized home is proposed to be located.
 - For purposes of above subsection, “value” means the taxable value of the industrialized housing and the lot after installation of the housing.

- **Manufactured Home**, is permitted if:
 - The manufactured home unit is transported, installed, occupied, and used in compliance with all applicable federal, state, and local laws;
 - The manufactured home unit is installed on a permanent foundation consisting of masonry or concrete, with running gear, tongue, towing hitch, axles, and transporting lights removed, and has an anchoring system that is totally concealed under the structure in compliance with Chapter 1202 of the Texas Occupations Code, as amended from time to time;
 - The manufactured home unit is oriented such that the longer side is parallel to the centerline of the most adjacent public roadway where the lot is addressed, or in instances where this standard cannot be met, the unit is rotated 90 degrees so that the side wall faces parallel to the same aforementioned street frontage;
 - The manufactured home unit is not placed on a vacant lot or a lot previously established with a site-built dwelling;
 - The manufactured home is less than 10 years old at the time of building permit application and will replace an existing manufactured home;
 - The home is built to the [Manufactured Home Construction and Safety Standards \(HUD Code\)](#);
 - Displays a certification label on the exterior of each transportable section; and
 - Complies with the design standards set out in [Sec. 11.03.06.04 Mixed Use Development, Manufactured and Industrialized Homes and Recreational Vehicles](#).
- **Nursery/Greenhouse, Retail**, is permitted if:
 - The main customer entrance accesses a collector or arterial street;
 - The area containing the plants and other accessory materials or products, e.g. soil, mulch, sod, pots and containers, etc., is enclosed within a fenced area;
 - Stacked materials do not exceed the height of a screening fence; and
 - Greenhouses are placed to the rear of the property and are screened with a bufferyard that complies with the standards set out in the site development ordinance.
- **Outdoor Arena, Stadium, or Amphitheater**, is permitted if the use is spaced a minimum of 600 feet from any single family residential district, measured along a straight line between the closest district boundary lines.
- **Outdoor Commercial Amusement**, may be considered if the use is spaced a minimum of 600 feet from any single family residential district, measured along a straight line between the closest district boundary lines;
- **Outdoor Recreation (Athletic Field/Facility)**, is permitted if:
 - Accessory uses or activities are subordinate in area, extent, and purpose to the principal use and are those which are customarily established in conjunction with the operation of permitted open space type recreation facilities, including accessory sales of alcoholic beverages, accessory food services, and accessory sales and rental of equipment;
 - Access to service and parking areas for over 50 vehicles is from a collector or arterial street or a service road; and
 - After hours lighting is limited to that necessary only for security purposes.
- **Print Shop**, is permitted if the building space is no larger than 3,000 square feet.
- **Research, Testing Lab, or Product Development**, is permitted if:

- The use does not involve materials or activities that create a risk of fire, explosion, environmental contamination, or a comparable hazard, that is materially greater than commercial retail and restaurant uses.
- All testing conducted onsite is within a fully enclosed building; and
- All materials and equipment are stored in areas screened from public view.

• **Restaurant, Dine-In Only**, is permitted if:

- Restaurants that sell Alcoholic Beverages for on-premise consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended, and any applicable local option elections;
- The regulations herein applicable to a public school shall also apply to a day-care center or a child-care center as provided in Section 109.331, Texas Alcoholic Beverage Code, as amended;
- A Restaurant that sells Alcoholic Beverages for on-premise consumption shall not be located within the following:
 - 300 feet from a church, public hospital, public school and/or private school. However, Alcoholic Beverage Sales may be located within three hundred (300) feet of a private school if the holder of a license or permit holds a food and beverage certificate covering a premise that is located within three hundred (300) feet of a private school; or
 - 1,000 feet from a private school if the City Council receives a request for this additional spacing requirement from the board of the private school, and the City Council adopts such additional spacing requirements by resolution. Measurement for the distance between a Restaurant or Cafeteria where Alcoholic Beverages for on-premise consumption are sold and a church or public hospital shall be along the property lines of the street fronts, from front door to front door, and in a direct line across intersections.
 - Measurement for the distance between a Restaurant or Cafeteria where Alcoholic Beverages for on-premise consumption are sold and a public and/or private school shall be:
 - In a direct line from the Property Line of the public and/or private school to the Property Line of the place of business, and in a direct line across intersections; or
 - If the Restaurant or Cafeteria that sells Alcoholic Beverages for on-premise consumption is located on or above the fifth (5th) story of a multistory building, in a direct line from the Property Line of the public and/or private school to the Property Line of the place of business, in a direct line across intersections, and vertically up the building at the Property Line to the base of the floor on which the Restaurant or Cafeteria is located.
- If a Restaurant or Cafeteria receives 50 percent or more of its gross revenue on a quarterly basis from the sale or service of Alcoholic Beverages for on-premise consumption, the use will no longer qualify as a Restaurant and will be classified and regulated by the City as an Alcoholic Beverage Establishment under the Zoning Ordinance.

• **Restaurant, Drive-In and Drive-Thru**, is permitted if:

- The speakers associated with the drive-through are a minimum 100 feet from a residential district;
- Restaurants that sell Alcoholic Beverages for on-premise consumption shall be subject to compliance with the Texas Alcoholic Beverage Code, as amended, and any applicable local option elections;
- The regulations herein applicable to a public school shall also apply to a day-care center or a child-care center as provided in Section 109.331, Texas Alcoholic Beverage Code, as amended;
- A Restaurant that sells Alcoholic Beverages for on-premise consumption shall not be located within the following:

- 300 feet from a church, public hospital, public school and/or private school. However, Alcoholic Beverage Sales may be located within 300 feet of a private school if the holder of a license or permit holds a food and beverage certificate covering a premise that is located within 300 feet of a private school; or
- 1,000 feet from a private school if the City Council receives a request for this additional spacing requirement from the board of the private school, and the City Council adopts such additional spacing requirements by resolution. Measurement for the distance between a Restaurant or Cafeteria where Alcoholic Beverages for on-premise consumption are sold and a church or public hospital shall be along the property lines of the street fronts, from front door to front door, and in a direct line across intersections.
- Measurement for the distance between a Restaurant or Cafeteria where Alcoholic Beverages for on-premise consumption are sold and a public and/or private school shall be:
 - In a direct line from the Property Line of the public and/or private school to the Property Line of the place of business, and in a direct line across intersections; or
 - If the Restaurant or Cafeteria that sells Alcoholic Beverages for on-premise consumption is located on or above the fifth (5th) story of a multistory building, in a direct line from the Property Line of the public and/or private school to the Property Line of the place of business, in a direct line across intersections, and vertically up the building at the Property Line to the base of the floor on which the Restaurant or Cafeteria is located.
- If a Restaurant or Cafeteria receives 50 percent or more of its gross revenue on a quarterly basis from the sale or service of Alcoholic Beverages for on-premise consumption, the use will no longer qualify as a Restaurant and will be classified and regulated by the City as an Alcoholic Beverage Establishment under the Zoning Ordinance.
- There shall be no variances considered with regard to the regulations set forth herein.
- **Retail Sales**, is permitted if:
 - The gross floor area of the building does not exceed 18,000 square feet; and
 - The use complies with the standards set out in [Sec. 11.03.04.01](#), *District Development Standards*.
- **Self Storage Facility**, may be considered if:
 - The site is a minimum of four acres, which includes an office, enclosed individual self-storage lease space, and may include a caretaker residence and limited outdoor parking lease spaces for boats, RV's, trucks, and trailers, excluding storage of wrecked or inoperable vehicles;
 - Any buildings with exterior access to the storage facilities have a maximum height of 12 feet, which may be increased to 16 feet for buildings built solely for boats and recreational vehicles;
 - Any buildings with interior access to the storage facilities have a maximum height of 30 feet;
 - A six foot privacy fence constructed of masonry construction is required for the entire area that includes the self-storage use, with exception of the office and its customer and employee parking. Wrought iron or black tubular steel fencing may be substituted for masonry only at the gates. The outer wall of the building, when constructed of brick, stone, or tilt wall, may serve also as that portion of the fence; however, the required building setback remains. Cinderblock is not allowed for the fence; however, split-faced concrete blocks may be used.
 - Outdoor storage/parking of boats, RV's, trailers, etc. shall be located a minimum of 20 feet from any property line;
 - A caretaker residence is permitted in connection with the office at the entry to the development, and shall:
 - Be a minimum of 800 square feet;

- Have a pitched roof; and
- Have a maximum height of 30 feet.
- The exterior of all buildings, including exterior walls, roofs, trim and doors is finished in neutral earthen colors; and
- Be located a minimum of 500 feet from any primary collector or arterial roadway.
- **Sexually Oriented Business**, may be considered if it complies with the provisions of Chapter 4 of the Code of Ordinances
- **Stone Cutting**, may be considered if the use demonstrates compliance with [Article 11.05](#), *Environmental Performance Management*.
- **Tattoo Parlor / Body Piercing Studio**, may be considered if:
 - The use is not operated as an accessory use to an otherwise permitted use unless it is permitted by this Ordinance; and
 - The use is not conducted in any manner that permits the observation of any such services by display, signage, show window, or other opening from a public area.
- **Telecommunication Facilities, Building Mounted**, are permitted if:
 - Building-mounted telecommunication facilities within any nonresidential district, excluding the Mixed Use (MU) district, are designed to minimize visual obstructions and maximize the compatibility with the architectural character of the building or structure.
 - All antenna and equipment located on buildings or structures are set back to minimize the visual impact from public rights-of-way and abutting properties, which may require additional screening to screen the antenna and equipment from public view by way of a parapet wall or painting;
 - Antenna and all related equipment are located to the rear of the property;
 - Building-mounted telecommunication support equipment is constructed of non-reflective material (visible surfaces only) and is located underground or hidden by an earthen berm, vegetation, and/or painted to match or complement the architecture of the building or structure to which it is attached;
 - Any building-mounted telecommunication antenna or equipment is not lighted unless required by the Federal Communication Commission (FCC) or Federal Aviation Administration (FAA);
 - Building and/or roof-mounted antennas or towers project no higher than 20 percent of the allowable building height in the district it is located; and
 - Photo simulations and/or a site plan are submitted as part of the special use application, which details the location, color, size, and material of the proposed building-mounted telecommunication equipment, as well as the location, material, color, and height of screening to be provided, as applicable.
- **Townhome** is permitted if:
 - Each residence has an attached or detached garage, which may include a tandem, two car garage, for which the garage counts toward one required parking space under the parking regulations set out in the site development ordinance;
 - Townhouse groupings do not exceed a length of more than 150 feet for any one group;
 - The use complies with the applicable design standards for townhomes as set out in [Division 11.03.06](#), *Design Standards*.
 - Primary entrance(s) into the building are oriented to face the street, provided that they may have a shared entrance with access provided for no more than three individual units; and

- Exterior building materials are of similar type, quality, and durability as other housing types in the same and abutting developments, subject to the standards of [Division 11.03.02, Standards for Established Neighborhoods](#).
- **Transportation Terminal**, may be considered if:
 - It is not located within 1,000 feet from the lot line of a residential use or district;
 - The use demonstrates compliance with [Article 11.05, Environmental Performance Management](#);
 - The use does not involve activities that create a risk of fire, explosion, environmental contamination, or a comparable hazard, that is materially greater than commercial retail and restaurant uses;
 - Canopies are connected to or integrated into the architectural design of the building in terms of color, cladding, roofing, and roof pitch, if provided; and
 - The truck circulation for a truck wash facility is directed away from the circulation for the rest of the terminal site and a stacking lane for the truck wash includes a 12-foot wide "escape lane" to bypass the truck wash, if provided.
- **Utility Services, Major**, may be permitted if:
 - Facilities are evaluated to determine the balance of interest of the City with the regional or statewide interest in the location, construction, or improvement of major electrical or natural gas facilities. The City Council shall decide the application based on whether the balance of the following factors weighs in favor of locating the facility in Cedar Park:
 - The demonstrated need for the facility;
 - The extent to which the proposed facility is consistent with the Comprehensive Plan and other applicable plans;
 - Whether the proposed facility would exacerbate a natural hazard;
 - How the facility will comply with applicable utility engineering standards, including supply adequacy, system reliability, and public safety standards;
 - The relative merit of any reasonably available and economically feasible alternatives proposed by the utility or the City;
 - The impact that the City's action would have on the customers of the utility who reside within the boundaries of the jurisdiction of the City;
 - The impact the proposed facility would have on residents within the City's jurisdiction; and
 - The safety of residents within the boundaries of the City; and
 - Any above-ground structures and equipment shall be screened from public view.
- **Warehouse and Distribution**, is permitted if:
 - It is not located within 600 feet from the lot line of a residential use or district;
 - The use demonstrates compliance with [Article 11.05, Environmental Performance Management](#);
 - The use does not involve activities that create a risk of fire, explosion, environmental contamination, or a comparable hazard, that is materially greater than commercial retail and restaurant uses;
 - Truck bays and loading docks are located perpendicular to the public right-of-way and on an interior side or rear elevation of the building, provided they do not abut a street or highway or a residential district; and
 - Access is taken from a collector or arterial street or highway.

Sec. 11.02.04.05 Temporary Uses

The standards of this Section apply to model homes, temporary construction, storage, and refuse collection uses that are specified in Table 11.03.02, *Temporary Uses*, as limited (L) or special (S).

A. **Location and Operations.** The location, hours of use, operational limitations, and duration of use are set out in Table 11.02.04.05 *Temporary Uses*.

Table 11.02.04.05 Temporary Uses					
Temporary Use	Location of Use	Hours of Use	Operational Limitations	Duration of Use	Restroom
Model Home / On-Site Real Estate Office	On lot or parcel proposed for development, with the same setbacks as any other housing unit.	Not Limited	Not Limited.	Shall be removed prior to certificate of occupancy for the last building.	Yes
Temporary Construction Building	On lot or parcel proposed for development, set back at least 20 feet from all property lines.	Not limited.	May be used by construction superintendent, construction workers, contractors, and other personnel on a construction team or as a security office. The building may not be used as a residence.	Shall be removed prior to certificate of occupancy for the last building.	Yes, except when used exclusively for storage
Temporary Construction Yard	Within one-half mile of the construction to which the construction yard relates.	7:00 a.m. to 8:00 p.m. if within 600 feet of residential property	The facility shall be used only for a construction site or an infrastructure project that is wholly or partially located in the City.	Established by approval; to coincide with the use of the facility for a specified construction project.	Yes
Portable Storage Unit	On parcel or lot served by portable storage unit. No encroachment into setbacks or over sidewalks is permitted. On nonresidential parcels, must be located behind the principal building.	Not limited.	Not limited.	Two weeks if located in a residential driveway ; three months if located behind a principal nonresidential building and screened from view from public rights-of-way and residential districts or uses.	No
Temporary Construction Dumpster	On parcel or lot using dumpster, set back at least 10 ft. from the property line, and placed on an improved hard surface. In nonresidential and mixed-use districts, dumpsters shall be located behind buildings (where possible) and shall not obstruct required parking areas.	Not limited.	Refuse shall be contained within the dumpster, and shall be secured to prevent it from being removed from the dumpster by wind or animals.	If used for construction or renovation, may remain in place for one week after project completion. If used for other purposes, 10 days.	No

B. **Extension of Approvals.** Approvals may be extended upon demonstration of good cause, appropriate maintenance, extension of any surety, and diligent pursuit of the purposes for which the temporary construction or storage uses were established. All applications for renewal of a temporary use permit

issued pursuant to this Section shall be submitted to the Director of Development Services or his designee at least ten working days before the expiration of the permit.

ARTICLE 11.10 DEFINITIONS

Division 11.10.03 Use Definitions

A

Accessory Dwelling Unit: A dwelling detached from the primary single-family residence. It will include permanent provisions for living, sleeping, eating, cooking and sanitation.

Adult Day Care: A facility that provides services under an Adult Day Care Program on a daily or regular basis, but not overnight, to four or more elderly or handicapped persons who are not related by blood, marriage or adoption to the owner of the facility. Adult Day Care Centers must be licensed by the Texas Department of Human Services.

Agricultural Support Services: Any use of land or water designed to facilitate and provide support for agricultural uses.

Airport: Any area of land designed and set aside for the landing and take-off of an airplane and utilized in the interest of the public for such purposes.

Alcoholic Beverage Establishment: A business whose revenue (51 percent or above of gross sales) comes from the sale of beer, wine, or other alcoholic beverages for on-premises consumption and which requires a license under Texas state regulations.

Alcoholic Beverage Sales, Off-Site Consumption: The use of a site for the retail sale of alcoholic beverages for off-premises consumption. This use includes liquor stores and bottle shops.

Amenity Center: A recreational facility, including, but not limited to, clubhouse, swimming pool, and play area, operated for the exclusive use of private residents or neighborhood groups and their guests, and not the general public.

Animal Grooming: An establishment where domestic animals are bathed, clipped, or combed for the purpose of enhancing their appearance or health, and for which a fee is charged, but not including overnight boarding of animals.

Animal Veterinary Services, Large Animal: A use in which large animals such as horses, goats, and livestock are admitted for examination and medical treatment. This use does not include medical care for small animals such as dogs, cats, and birds.

Animal Veterinary Services, Small Animal: A use in which household pets, such as dogs, cats, and birds are admitted for examination and medical treatment. The use does not include medical care for large animals or livestock.

Apartment: A building, or portion thereof, which is designed to contain three or more independent dwelling units, for individuals and/or families living independently of each other.

Apiary: A place in which a colony or colonies of bees are kept; for example, in a stand or shed for beehives, or a bee house containing a number of beehives.

Archery Range / Paintball Course: A specially designed outdoor space for the safe discharge of archery and/or paintball equipment. This use does not include the discharge of rifles, shotguns, pistols and other firearms.

Art Studio, Gallery: The use of a site for the display, production and/or sale of art work.

Assisted Living, Congregate, or Respite Care: An institution which provides food and shelter to four or more elderly persons or adults who are unrelated to the proprietor of the establishment, as well as personal care services or administration of medication. These may also provide assistance with or supervision of the administration of medication or skilled nursing services. These facilities must be licensed by the Texas Department of Aging and Disability Services and further defined in Chapter 247 of the Texas Health and Safety Code.

Automobile, Major Repairs and Service: A building or place arranged, designed, used or intended to be used for the purpose of providing general repair and servicing of all types of motor vehicles. Such repair or servicing may include reconditioning of engines, air conditioning systems and transmissions; wrecker service; collision services, including body, frame or fender straightening or repair; painting, undercoating and rust proofing; replacement or repair of brakes, shock absorbers, tires, batteries, mufflers, or upholstery; and other similar services.

Automobile, Minor Service: Any repair that does not require the removal of the engine head or pan, engine transmission, or differential, incidental body work, rebuilding or reconditioning of engines, framework, welding, and major painting service. Examples of minor services include, but are not limited to, the changing of fluids, tires, batteries, shock absorbers, mufflers, brakes, lights, wipers and tinting.

Automobile, Rental: Includes the rental of new or used vehicles licensed under the Texas Motor Vehicle Registration Act.

Automobile, Sales: Includes the sale of new or used vehicles licensed under the Texas Motor Vehicle Registration Act. New or used automotive sales requires the registration of the business with the Texas Department of Motor Vehicles.

B

Bank, Credit Union, and Financial Institution: The use of a site for the provision of financial and banking services.

Bed and Breakfast Facility: An owner occupied residence, classified as a nonresidential use for the purpose of site development, with up to five (5) bedrooms available for overnight guests. A Bed and Breakfast shall not include restaurants, banquet facilities, or similar services.

Broadcasting Center: An establishment containing one or more broadcast studio for over-the-air cable, or satellite delivery of radio or television programs.

Bus or Taxi Depot/Transit Station: Any central location or premises for the transient housing or parking of motor driven buses or automobiles for the purposes of loading, unloading, and transporting passengers.

C

Caretaker or Guard Residence: An on-site dwelling within a permitted principal use where the person, or family, resides as a live-in property manager, security guard, or caretaker for the principal use.

Car Wash : A facility where a customer can have a motorcycle, automobile, or light load vehicle washed in exchange for financial consideration.

Cemetery / Columbarium: Land used or dedicated for the burial of the dead.

Child Day Care, Incidental. A place designed solely for the care of children belonging to employees of the primary use.

Civic Club: An organized group having a restricted membership and specific purpose related to the welfare of the members.

College, University, or Vocational School: A community college, college, university, vocational, technical or trade schools, language school, business school, training center, beauty school, culinary school, and comparable advanced or continuing education facilities. The phrase does not include fitness centers, sports instruction, swimming instruction, or martial arts instruction.

Commissary: A commercial facility providing services consisting of the on-site preparation and storage of food and food utensils to be delivered and served to and consumed by customers off the premises. This term does not include the storage, rental, or supplying of party, banquet or event equipment, furnishings, or fixtures.

Community Garden: Privately or publicly owned land used for the cultivation of fruits, vegetables, plants, flowers, or herbs by multiple users. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained or used by group members.

Community Home: An entity protected by the Texas Community Homes for Disabled Persons Act (Chapter 123 of the Texas Human Resources Code); including:

- A community-based residential home operated by:
 - The Texas Department of Mental Health and Mental Retardation;
 - A community center organized under Subchapter A, Chapter 534, Health and Safety Code, that provides services to persons with disabilities;
 - An entity subject to the Texas Non-Profit Corporation Act (Article 1396-1.01 et seq., Vernon's Texas Civil Statutes); or
 - An entity certified by the Texas Department of Human Services as a provider under the medical assistance program serving persons in intermediate care facilities for persons with mental retardation; or
- An assisted living facility licensed under Chapter 247, Texas Health and Safety Code, provided that the exterior structure retains compatibility with the surrounding residential dwellings.

Concrete, Mortar, and Asphalt Batching: A use where cement, mortar, or asphalt is manufactured.

Construction Sales and Services: Commercial use that sells, displays, or stockpiles large scale intensive outdoor operations and contracting equipment, machinery, and other materials.

Contractor's Shop / Storage Yard: A building, part of a building, or land area for the construction or storage (inside or out) of materials, tools, products, and vehicle fleets.

Convenience Store: A retail establishment that sells primarily food products, household items, newspapers and magazines, candy, and beverages, and a limited amount of freshly prepared foods such as sandwiches and salads.

Craft Brewing / Distillery / Winery Production with On-Premise Consumption: A business where specialty beer or wine is produced in limited quantities with on-site consumption and / or tasting, as regulated by the State of Texas Alcoholic Beverage Commission.

Credit Access Business: A credit access business has the meaning given the term in V.T.C.A., Finance Code Section 393.601, as amended.

Crematory: A location containing a properly installed and licensed, certified apparatus intended for the use of cremation.

D

Data Center: A facility housing a collection of computer servers and associated components, such as telecommunication, storage and backup systems that supply information to a single or multiple end users off-site. Facilities typically require large amounts of electricity, strict temperature control and security, and will generally have few employees present on-site.

Day Care Center: A child-care facility that provides care at a location other than the residence of the director, owner, or operator of the child-care facility for seven or more children under 14 years of age for less than 24 hours a day, but at least two hours a day, three or more days a week.

Drug Store: A store where the primary business is the filling and sale of prescription drugs, medical devices and supplies, and non-prescription medicines.

Dwelling, Duplex: There are two types of duplexes:

- Standard (side-by-side) duplexes are those separated by a shared wall with no penetrations from the ground to the roof, and each unit has a separate outside door.
- Vertical (over-under) duplexes are those separated by a floor, in which case the individual units may be accessed from an interior foyer with a staircase or the units may have separate front doors at the street level.

Dwelling, Single-Family: A dwelling unit for one family that is located on a separate, privately owned lot or tract with private yards on each side of the dwelling. Single-family dwellings may also be located on condominium-owned property, surrounded by limited common elements for use by residents of the single-family homes within the condominium development, which serve the same purpose as a private yard.

E

Extraction (Gas, gravel, minerals, oil, or sand): The use of a site for in-site extraction of surface or sub-surface mineral products or natural resources. This use includes quarries, borrow pits, sand or gravel operations, oil or gas extraction, and mining operations.

F

Family Home: A home that provides regular care in the caretaker's own residence for not more than six children under 14 years of age, excluding children who are related to the caretaker, and that provides care after school hours for not more than six additional elementary school-age children, but the total number of children, including children who are related to the caretaker, does not exceed 12 at any given time. The term does not include a home that provides care exclusively for any number of children who are related to the caretaker.

Farm/Ranch: Land devoted to the following uses:

- The planting, growing, and harvesting of crops; and/or
- The care and raising of livestock animals or poultry.

Flea Market: A site where space is rented to vendors on a short-term basis for the sale of merchandise. The principal sales shall include new and used household goods, personal effects, tools, art work, small household appliances, and similar merchandise, objects, or equipment in small quantities.

Food Processing: The transformation of raw ingredients, by physical or chemical: into food, or of food into other forms. The term includes the combination of raw food ingredients into a form that can be prepared and used by a consumer. Food processing typically involves activities such as mincing and macerating, liquefaction, emulsification, and cooking (such as boiling, broiling, frying, or grilling); pickling, pasteurization, and many other kinds of preservation; and canning or other packaging. Food processing does not include the harvesting, storage, or transportation of cultivated agricultural products.

Fortune Teller / Psychic: The foretelling of the future in exchange for financial or other valuable consideration.

Funeral Home, Chapel, or Mortuary: A building used primarily for human funeral services. Such building may contain space and facilities for embalming, preparation of the dead for burial, casket storage, and undertaking services.

G

Gasoline Service Station: Any building, land area, or other premise that sells gas and/or diesel fuels primarily to passenger vehicles, with or without the following accessory uses: sales of lubricants, tires, accessories or supplies, minor repairing of automobiles.

Government Facilities (Outdoor Operations): A location owned, operated, or occupied by a governmental agency that functions as a service yard that may have outdoor operations, outdoor storage of materials and equipment, to provide governmental services to the public.

Government Office: Government owned and operated institutions or facilities including but not limited to a library, museum, park, playground, recreational center, jail or correctional facility, police, fire or utility facilities.

Grocery: Any building where most of the gross floor area is devoted to the sale of food products for home preparation and consumption, but may also offer prepared food for on- or off-site consumption, retail personal and household items, and a pharmacy. As an accessory use, the grocery may also have gasoline pumps.

Group Day Care Home: A child-care facility that provides care at the residence of the director, owner, or operator of the child-care facility for seven or more children under 14 years of age for less than 24 hours a day, but at least two hours a day, three or more days a week. See Regulation of Certain Facilities, Homes, and Agencies that Provide Child-Care Services, [Chapter 42](#), *Texas Human Resources Code*.

H

Head Shop: Any retail establishment open to the public that presents, displays, or offers for sale paraphernalia, items, equipment, or products commonly used, intended to be used, or commonly known to be used, for the ingestion, inhalation, preparation, or injection of illegal substances, to include any device which has been fabricated, constructed, altered, adjusted, or marked especially for use in the smoking or ingestion of a Controlled Substance, notwithstanding that it might also be possible to use the device for some other purpose.

Heavy Industry:

- A. Primary processing or manufacturing or repair operations not specifically defined elsewhere in this Section, which involve:
 - 1. A material risk of environmental contamination, explosion, or fire;
 - 2. Perceptible ground vibration;

3. Excessive noise or dust;
 4. Emission of objectionable odors; or
- B. For illustrative purposes, heavy industrial uses include, but are not limited to:
1. Coal cleaning plants with thermal dryers; coke oven batteries; carbon black plants (furnace process); petroleum refineries; petroleum storage and transfer units; and bulk fuel dealers;
 2. Facilities used in the primary or secondary production of metals, such as primary zinc, copper, or lead smelters; primary aluminum ore reduction plants; iron and steel mills; sintering plants; secondary metal production plants; and blacksmith shops;
 3. Sawmills and pulp mills;
 4. Incinerators with the capacity to charge more than 250 tons of refuse per day;
 5. Lime plants; phosphate rock processing plants; sulfur recovery plants; and hydrofluoric, sulfuric, or nitric acid plants;
 6. Fossil fuel combustion, such as boilers or electricity generation, totaling more than 250 million BTUs per hour of heat input;
 7. Fabrication of vehicles, manufacturing equipment, durable goods, or pre-fabricated homes or home components;
 8. Dry cleaner processing plants that use PERC or comparable petrochemical solvents;
 9. Meat or seafood processing plants;
 10. Manufacture of glass products (e.g., window panes, bottles and jars), except hand-blown products;
 11. Manufacture of plastic products (except assembly of parts that are manufactured elsewhere);
 12. Plasma arc welding, cutting, gouging, surfacing, or spraying; gas welding (but not brazing); arc welding with equipment that is rated at more than 200 amps; TIG welding; and other heavy welding procedures, such as for structural steel, automotive body, or heavy equipment manufacture or repair; and
 13. Fossil fuel power plants, waste-to-energy plants, and biomass plants that produce more than 100 megawatts of electricity.
- C. Semi-Conductor related uses shall be considered to be a heavy industrial use when the use relates to weapons, nuclear energy, pharmaceutical and biotechnology applications.

Heliport (Accessory): An area of land or water or a structural surface which is used for the landing and takeoff of helicopters, and any appurtenant areas which are used for fueling, maintenance, repairs, storage, buildings, and other heliport facilities.

Home Occupation: A business, profession, occupation, or trade conducted for gain or support entirely within a residential building, or a structure accessory thereto, which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such building.

Hospital Services: An institution providing primary health services, psychiatric services, and medical or surgical care to persons primarily on an inpatient basis. The use differs from medical clinics in that it may require stays for longer than 24 hours. Includes the following land uses: cancer center; birthing center; general hospital; private psychiatric hospital; niche hospital; special hospital; and trauma facilities.

Hotel: A facility offering transient lodging accommodations to the general public and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.

I

Indoor Arena or Theater: A building with tiers of seats for spectators used for sporting, performances, lectures, or other recreational or cultural events. Accessory uses or activities subordinate in area, extent, and purpose to the principal use, which are customarily established in conjunction with the operation are permitted, including accessory sales of alcoholic beverages, accessory food services and accessory sales.

Indoor Commercial Amusement: Uses that provide commercial amusement indoors, except sexually oriented uses, including, but not limited to:

- Movie theaters;
- Bowling alleys and a billiard rooms;
- Video arcades;
- Indoor swimming pools;
- Tennis, racquetball, or handball courts;
- Local area network computer gaming centers; and
- Internet cafes.

Industrialized Home: Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the State, modular homes are subject to the same codes and regulations as conventional site-built homes.

K

Kennel: The overnight boarding of either small or large animal by a facility licensed by the State of Texas.

L

Landfill (Disposal): An area of land or an excavation in which wastes are placed for permanent disposal. For the purposes of this Code, the word "Landfill" does not include clean debris, e.g., dirt, trees, rocks, etc.

Laundromat: A facility where patrons wash and/or dry clothing and other fabrics in machines operated by the patron. (Self-serve washers/dryers)

Lumberyard, Wholesale: An area and structures used for the storage, distribution, and sale of finished or rough-cut lumber and lumber products.

M

Manufactured Home: A structure:

- Constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development;
- Built on a permanent chassis;
- Designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
- Transportable in one or more sections; and
- In the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet, including the plumbing, heating, air-conditioning, and electrical systems of the home, and not including a recreational vehicle as defined by 24 C.F.R. Section 3282.8(g), pursuant to Tex. Occ. Code, section 1201.003(12).

Manufactured Home Sales: The sale of trailers or manufactured homes on a parcel of land but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

Manufacturing and Fabrication, General. The industrial processing and manufacturing of materials or products predominately from extracted or raw materials unless materials are classified as hazardous by the Fire Marshall. This use also includes the uses as defined in Manufacturing and Fabrication, Light.

Manufacturing and Fabrication, Light: Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing. Such operations shall meet the performance standards, bulk controls, and other requirements of this Ordinance.

Medical Clinic: The use of the site for the provision of medical, psychiatric, or surgical services on an out-patient basis. These facilities can be differentiated from a medical office in that such facilities would be primarily open to and operated for the general, walk-in public, and would not normally require an appointment. This use includes ambulatory surgical centers (ASC); end-stage renal disease facility (dialysis); outpatient services; and free standing emergency medical care facility.

Medical Office: The use of the site for the consultation, diagnosis, therapeutic, preventative, or corrective personal treatment by doctors, dentists, or similar practitioners of medical and healing arts for humans, medical or dental laboratories. These facilities can be differentiated from a medical clinic in that such facilities primarily operate on an appointment basis, are generally not open to the general walk-in public, and offer specialized services or attention.

Mobile Food Establishment Court: The primary use of a site by one or more semi-stationary mobile food establishments.

Mobile Home. A structure:

- Constructed before June 15, 1976;
- Built on a permanent chassis;
- Designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities;
- Transportable in one or more sections; and
- In the traveling mode, at least eight body feet in width or at least 40 body feet in length or, when erected on site, at least 320 square feet, including the plumbing, heating, air-conditioning, and electrical systems of the home, as defined by Tex. Occ. Code, section 1201.003(20), as amended.

Model Home / On-site Real Estate Office. A dwelling in a developing subdivision located on a legal lot of record that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built in the same subdivision.

N

Non-Emergency Transport Service: A medical transfer service for the transportation of individuals to or from a medical facility, nursing home, or residence under circumstances which do not constitute an emergency, in which the use of lights and sirens is prohibited, except when in the course of transport, said transport becomes an emergency, per Chapter 546 of the Texas Transportation Code.

Nursery/ Greenhouse, Retail: An enterprise that conducts the sale of plants grown on and / or off the premises. The term also include, as an accessory use, the sale of a limited selection of items, such as soil, planters, pruners, mulch, lawn or patio furniture, and garden accessories that are directly related to the care and maintenance of landscapes and gardens.

Nursery / Greenhouse, Wholesale: The growing, cultivation, storage, and sale of garden plants, flowers, trees and shrubs.

Nursing or Convalescent Home: An institution which provides food and shelter to four or more persons who are unrelated to the proprietor of the establishment; as well as minor treatment under the direction and supervision of a physician licensed by the Texas Medical Board, or other services that meet some need beyond the basic provision of food, shelter, and laundry. These are licensed by the Texas Board of Human Services and further defined in Chapter 242 of the Texas Health and Safety Code.

O

Office, General: A site used for the provision of executive, management, administrative, professional, or consulting services.

- Typical executive, management, or administrative services include real estate, insurance, property management, investment, personnel, travel, secretarial services, organizations, and associations.
- Typical professional or consulting services include the field of law, architecture, design, engineering.

Office/Showroom/Warehouse: An establishment with a maximum of 75 percent of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sale areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas. This use does not include processing, manufacturing or fabrication conducted on site.

Outdoor Arena, Stadium or Amphitheater: An open air facility or building with tiers of seats for spectators used for sporting, performances, lectures, or other recreational or cultural events. Accessory uses or activities subordinate in area, extent, and purpose to the principal use, which are customarily established in conjunction with the operation are permitted, including accessory sales of alcoholic beverages, accessory food services and accessory sales.

Outdoor Commercial Amusement: Uses that provide commercial amusement outdoors, except for Sexually Oriented Businesses, as defined herein, including, but not limited to:

- Amusement parks or theme parks;
- Fairgrounds;
- Miniature golf establishments;
- Golf driving ranges;
- Water slides; and
- Batting cages.

Outdoor Recreation (Athletic Field/Facility): Public or private parks, golf courses, swimming pools, ball fields, tennis courts, and other such uses providing recreational opportunities for a neighborhood or the community at-large. This use is not intended for commercial purposes.

Outdoor Recreation (Park, Playground): Outdoor park facilities designed for passive recreational activities such as walking trails and child playground equipment.

Outdoor Storage/Sales or Display (Primary Use): An operation that stores, displays, and sells products in the outdoors. This use includes trucks, trailers, portable buildings, and fleet storage.

P

Parking Garage (Primary Use): A structure designed to accommodate vehicular parking spaces that are fully or partially enclosed or located on the deck surface of a building. The phrase includes free-standing parking structures, deck parking, and parking pedestals under buildings.

Pawnshop: An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker); and the retail sales of items purchased also takes place.

Personal Services: The use of a site for the provision of periodically needed services of a personal nature. This use includes beauty and/or barber shops, hairdressers, manicurists, seamstress or tailor services, shoe repair shops, dry cleaning and/or laundering drop-off/pick-up station services, handicraft or bobby instruction, health or physical fitness clubs, gyms, weight loss centers, photography studios, driving schools, spas, full service beauty salons with permanent makeup, licensed massage therapy and ear piercing.

Place of Public Assembly: An indoor place where people gather for civic or cultural purposes. The phrase "place of assembly" includes place of worship, meeting hall, lecture hall, or fraternal organization. The phrase "place of assembly" does not include the phrase "indoor recreation" or "indoor commercial amusement."

Portable Storage Unit: A container that may be used to transport goods, but may then also be stationary on a single site for a period of time before or after transport.

Power or Solid Waste Recovery Plant: Any facility that is engaged in the recovery of energy or power from solid waste, biomass, or other technologies.

Print Shop: An establishment which reproduces, in printed form, individual orders from a business, profession, service, industry or government organization.

Private School (Grades K-12): A privately-owned accredited institution that provides full-time instruction for students from kindergarten to 12th grade.

Public School (Grades K-12): An public institution that provides full-time instruction for students from kindergarten to 12th grade.

R

Recreational Vehicle Park. A park that includes temporary overnight parking for licensed motor vehicle that can be towed, hauled, or driven. Permitted vehicles include travel trailers, self-propelled motor homes, and camping trailers.

Recreational Vehicle Sales and Service: Any building or structure used for the sale of a vehicle designed and/or used for living or sleeping and/or recreational purposes and equipped with wheels to facilitate movement from place to place, and automobiles when used for living or sleeping purposes and including pick-up coaches (campers), motorized homes, boats, travel trailers, and camping trailers not meeting the specifications required for a manufactured home.

Recycling Processing and Collection: The use of a site for collection, transfer, or processing of recyclable materials. Recyclable materials include glass, paper, plastic, cans, or other source-separated, nonperishable materials. This use excludes bulk or single-feed reverse vending machines.

Research, Testing Lab, or Product Development: A business that engages in research, or research and development, of innovative ideas in technology intensive fields. Examples include computer software, information technology, communications systems transportation, and multi- media.

Restaurant, Dine-In Only: The use of a site for the preparation and retail sale of food and beverages for on-premises consumption, including the on-premises sale and consumption of alcoholic beverages as an accessory use (must be less than 51 percent of gross sales). The use does not include drive-in or drive-thru facilities.

Restaurant, Drive-In or Drive-Thru: A restaurant which:

- Contains a drive-in or drive-through facility;
- Primarily serves food that is prepared and packaged within five minutes; and
- Customarily serves food in disposable containers.

Retail Sales: The sale of merchandise in small quantities directly to the ultimate consumer.

S

Salvage Facility and Yard: A yard, lot or place, covered or uncovered, outdoors or in an enclosed building, containing salvage or junk, upon which occurs one or more acts of buying, storage, dismantling, processing, recycling, selling, or offering for sale any such salvage, in whole units or by parts, for a business or a commercial purpose, whether or not the proceeds from such act or acts are to be used for charity.

Self-Storage Facility: A structure containing separate storage spaces, which may be of various sizes, leased or rented on an individual basis which may have interior and/or exterior access. This use also includes outdoor RV and boat storage.

Sexually Oriented Business: See Chapter 4, Article 4.07, *Cedar Park Code of Ordinances*.

Sport Shooting Range: A business establishment, private club, or association that operates an area for the discharge or other use of firearms for silhouette, skeet, trap, black powder, target, self-defense, or similar recreational shooting.

Stone Cutting: A land use whereby stone is cut or carved.

T

Tattoo Parlor / Body Piercing Studio: The workshop of a tattoo artist and/or a facility where the piercing of body parts, other than ears, is performed for the purposes of allowing the insertion of jewelry.

Telecommunication Facilities, Building Mounted: Radio or television broadcasting towers, telecommunications towers, and antenna arrays mounted onto a building.

Temporary Construction Building. A building for the purpose of temporary office space during construction of new permanent office structures.

Temporary Construction Dumpster: A dumpster set up temporarily to use for garbage during a construction project.

Temporary Construction Yard. A storage yard for construction supplies, materials, or equipment for temporary use during a construction project.

Townhome: A single family attached dwelling with three to no more than six units, with each single unit extending from the ground to the roof and with each unit having individual outside access.

Transportation Terminal: The use of a site for the provision of a facility for the loading, unloading, or interchange of passengers, baggage, or incidental freight or package express between modes of transportation, when located in conjunction with the offices, dispatching facilities, garage, maintenance and services facilities that are directly associated with the principal use, which includes public transit facilities, shipping and freight services, and private or public taxicab or shuttle services and facilities.

V

Vending Kiosk: Any unattended self-service devices that, upon the insertion of coins, tokens, or consumer credit cards will dispense merchandise, banking services or other things of value. A vending kiosk may be portable or permanently installed.

U

Utility Services, General. The use of a site for the provision of public and/or private utility services that are necessary to support the development in the area and involve only minor structures and small buildings including, but not limited to lift stations, telephone switching centers, service extensions or similar facilities.

Utility Services, Major. The use of a site for the provision of generating plants, electrical switching facilities or primary substations, or similar facilities.

W

Warehouse and Distribution: The use of a site for the provision of wholesaling, storage, warehouse services, or handling of materials and equipment. The use includes wholesale distributors, storage warehouses, and moving or storage firms.

Wireless Telecommunication Facility: Radio or television broadcasting towers, telecommunications towers, antenna arrays, and associated ground equipment. The use does not include residential satellite dishes, TV or HDTV antennae, or amateur radio antennae.

Wrecker, Impound Yard: A wrecker service that includes the temporary storage or impoundment of primarily operable or repairable motor vehicles and in which the owner or operator has an active licensed franchise agreement with the City of Cedar Park Police Department for wrecker rotation.